





# Home Office defends search for files on Clinton

By PHILIP WEBSTER  
AND JONATHAN PRYNN

BILL Clinton, the American president-elect, is to be assured by the British government that the Home Office did not act improperly in checking records for information about him during the US election campaign. However, Kenneth Clarke, the home secretary, has ordered a review of his department's press office guidelines on confidentiality to ensure that they are working properly.

As Clinton aides and British officials continued to play down any suggestions of ill feeling between Mr Clinton and John Major over the role of Tory party workers in the campaign to re-elect George Bush, it was confirmed that a senior Labour

strategist had been brought in by Mr Clinton in the final weeks of the presidential election.

Philip Gould, who headed the shadow communications agency, the polling, advertising and marketing body behind Labour's last two election campaigns, went to Mr Clinton's headquarters in Little Rock, Arkansas, to advise his team on how to counter what were perceived as Tory tactics.

Mr Gould swiftly concluded that the Bush campaign was borrowing heavily from the Conservative attacks on Labour on tax and other issues and suggested how Mr Clinton should respond. According to *The New Yorker* last week, Mr Gould was teased by the Clinton campaign team after his victory.

Mr Clarke was questioned by the

Commons home affairs committee yesterday about the disclosures that confidential immigration files were searched for information about Mr Clinton. He confirmed that Home Office officials checked to see if Mr Clinton had applied for British citizenship to avoid the Vietnam draft while he was a Rhodes Scholar at Oxford in the late 60s. Responding to MPs' questions, Mr Clarke insisted that there had been "no improper use" of the Home Office during the United States election campaign.

The search was made in October after the Home Office press office was approached by British journalists about stories appearing in the US press that Mr Clinton had applied for citizenship to dodge the Vietnam draft. Mr Clarke said that the check

had been carried out simply to confirm that the stories had no substance and that no confidential information had been disclosed.

He said that the press officer concerned, who had not sought authorisation for the search from ministers, had confirmed in background briefings with British journalists that they were "barking up the wrong tree" and that there was no point in pursuing the story. If the search had thrown up any personal information on Mr Clinton this would not have been disclosed, Mr Clarke told the committee.

The press officer had judged that a straight "no comment" would have "had the effect of leaving the story running" and leave people with the impression that there was something in it, Mr Clarke said. He added that

he was satisfied that there had been "no improper use made of Home Office records in this particular case", and that there was therefore no grounds for disciplinary action. However, he added that would hold discussions with the department's chief press officer about how in future politically sensitive requests of this kind should be handled.

Mr Clarke's explanation failed to satisfy Labour MPs on the committee who said there had been a breach of guidelines even though no confidential information had been disclosed. Barbara Roche, Labour MP for Hornsey and Wood Green, said the disclosure that records had been checked without the authorisation of the person involved would "cause concern to anyone applying for UK citizenship".

## Home Office resists pressure for wider stop-and-search laws

By CHRISTOPHER ELLIOTT  
AND FRANCES GIBB

THE Home Office is resisting pressure from the police for an extension of powers to stop and search vehicles in their attempt to prevent IRA bombers getting into city centres on the mainland.

As the Greater Manchester police yesterday became the second main metropolitan force to introduce "selective car checks" under existing laws, the debate grew over the circumstances in which police may mount roadblocks.

Privately, senior police officers admitted they were acting at the margins of the law in setting up roadblocks but they felt that the current threat warranted their action. Civil liberties groups, however, have voiced fears that any toughening of the law to allow random checks would lead to harassment of minority groups, including the Irish community.

As the law is currently constructed, police powers to stop and search turn on the need to prove "reasonable suspicion" that an arrestable offence has been committed.

Brian Hilliard, editor of *Police Review* and a former police inspector, said: "They are obviously doing it to boost police morale and show the public they are not powerless and also as a deterrent to the IRA, who will think twice about bringing a bomb in if they might run into an armed roadblock."

"I think it is a good idea and the public will approve of it, but I don't think it is within the law as it stands at the moment."

Police are concerned that the random element of the roadblock would enable suspects to mount a successful defence that there were no

■ The latest police action to counter mainland threats from the IRA has prompted a debate over civil liberties

grounds for reasonable suspicion, however great the weight of other evidence.

Although similar roadblocks manned by armed police have been used in London since the mortar bombing of Whitehall in February 1991, last weekend's operations in east London and the City of London were the first to have such a high profile, involving overtly armed officers.

The Greater Manchester force announced yesterday that there would be roadblocks throughout its area manned by armed officers.

A spokesman said: "They are there to reassure members of the public that we are taking every possible step to ensure their safety." The move followed two bomb explosions in the city on Thursday in which more than 60 people were injured.

Even within the police service there has been disquiet about the roadblocks. Many officers were concerned that there had been three arrests for possession of cannabis. One said: "That is not what we were there for. Those people should have simply been cautioned there and then."

The police have unlimited powers to stop vehicles under the Road Traffic Act 1974.

Under the Police and Criminal Evidence Act 1984, roadblocks may be set up if police have reasonable grounds for believing a serious arrestable offence is being or is about to be committed in the area, or if they are looking for someone who intends to commit such an offence and they have

reasonable grounds for believing he is in the area.

In the miners' dispute, the courts held that it was lawful to set up a roadblock at the Dartford tunnel on the Kent/Essex border, even though it was 200 miles away from the main centre of the dispute.

The roadblocks have to be authorised by a superintendent, although an officer of any rank can authorise one if a superintendent is not available.

A record must be made of the time such authority was given and the length of time the roadblock is in force, and higher authority must be obtained as soon as possible.

When it comes to searching vehicles, police powers are governed by sections one and 17 of the Police and Criminal Evidence Act 1984, which requires them to have a reasonable suspicion that a person in that vehicle has committed a serious arrestable offence or that a vehicle is carrying a stolen or prohibited item.

Police may, however, stop vehicles and seek the consent of the driver to search. Yesterday John Wadham, legal officer of Liberty, the civil liberties pressure group, said that most people would not know the law gave them the opportunity to refuse a police request to search their vehicle at random.

Also, if they did know the law, they "would not know what was in the minds of the police officers so they would be unable to resist", he claimed. "The reality is that this enables the police to set up roadblocks and stop and search vehicles at random. We believe that this is unlawful under domestic law and possibly also a breach of the European Convention on Human Rights as a breach of privacy."

Scotland Yard said last night: "There have been discussions with the Home Office to determine whether or not there is any need under existing legislation to seek different powers under the Police and Criminal Evidence Act and the Road Traffic Act. These are ongoing discussions and these issues are kept under constant review."

## Queen Mother may miss wedding

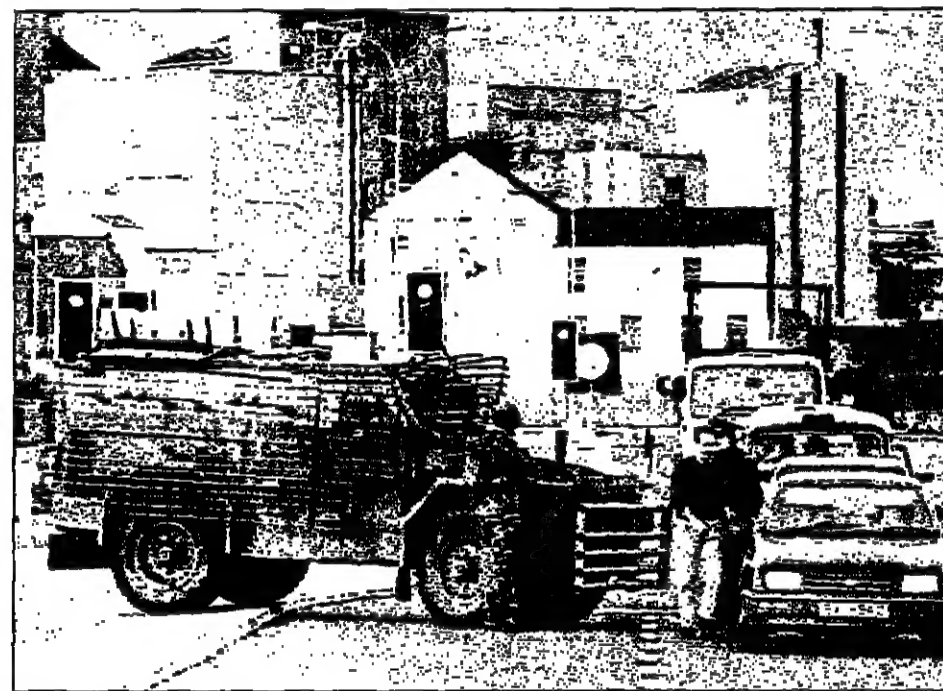
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Aberdeen the following morning, and drive to Balmoral for what was intended as a private, indeed secret, wedding, until word leaked out.

Buckingham Palace is still striving to keep the wedding as quiet as possible and has not issued a guest list. Those known to be attending include the Queen and the Duke of Edinburgh, the Prince and Princess of Wales, the Duke of York, Prince Edward, Princess Margaret and the Princess Royal's two children Peter, 15, and Zara, 11. Among guests on the groom's side are expected to be his widowed mother, Bar-



London: police stop a car at a roadblock in the City on Saturday afternoon



Belfast: a permanent checkpoint manned by soldiers on the Falls Road



Manchester: an armed officer on guard at one of the city's first roadblocks

## DPP to boost role of women at work

By FRANCES GIBB, LEGAL CORRESPONDENT

THE Director of Public Prosecutions yesterday vowed to break the "unacceptable work ethic" that discriminates against women and to promote opportunities for women through targets, better selection and flexi-time working.

Barbara Mills QC, a mother of four, said that by March 1993, every employee of the Crown Prosecution Service, which she heads, would be entitled to work flexible hours. "We are equal to the task, we just want the opportunity to prove it," Mrs Mills told an audience of European employers at a conference in Birmingham on equal opportunities, organised by the employment department. Mrs Mills said she opposed the workplace culture that imposed rigid working patterns and pressurised those who wished to progress into working long hours. She was determined to break an "unacceptable work ethic".

Mrs Mills also rejected quotas for women but she strongly favoured targets against which companies could monitor their progress in promoting women. "We want to be chosen on merit, not on numbers," she said. "But to be chosen on merit we need to have an equal opportunity to compete."

In the CPS, 60 per cent of the 6,000 staff are women. Women account for 65 per cent of the legal trainees; 51 per cent of crown prosecutors; 46 per cent of senior crown prosecutors and 32 per cent of principal crown prosecutors. There is one woman chief crown prosecutor.

Mrs Mills welcomed the recent benchmark set for top grades in the civil service. In November, the Cabinet Office announced that it expected at least to double the number of women in the top three grades by the year 2000.

On selection and training, Mrs Mills told the conference: "We must stamp out stereotyping to ensure that selection is fair and open, and that as much long-term training is devoted to women as to men."

Law, pages 29-32

MATTHEW PARRIS  
POLITICAL SKETCH

## Ritual dancing: a beginner's guide

Travellers to far-off lands sometimes return with tales about the enigmatic ways in which the natives communicate. Learning the language is pointless, they say, for nobody says what he means. A casual remark about the early appearance of the apple blossom is meant as an enquiry about the visitor's health. A request for directions to a local shrine is in fact an offer to change dollars at a preferential rate. Statements are intended as salutations, warnings are really requests, smiles are complaints.

Before we sneer at the language patterns of other tribes, we would do well to look closer to home—at an exceptionally savage little tribe, of whom 651 inhabit Westminster: MPs.

Study, for instance, one of the commonest forms of social intercourse among them: an exchange known as "Questions". "Asking" these questions bears not the slightest resemblance to the activity we normally describe as questioning. The only nod in that direction is that the utterance does sometimes take the interrogative form ("should he?") instead of "he should" and is sometimes, sometimes, printed afterwards in *Hansard* with a question mark at the end. But there the resemblance ends. Take "questions" to the law officers on Monday...

Mr John Austin-Walker (Lab, Woolwich) asks the Solicitor General, Sir Derek Spencer QC, "what representations he has received regarding literature from the headquarters of the British National Party?" Spencer does reply, but Austin-Walker hardly listens and Spencer plainly does not expect him to.

This type of "question" ("what representations...?" "When did you last meet...?" "When will you next visit...?" etc) is not a request for information at all, but an invitation to the minister to dance a sort of parliamentary foreplay. It means: "Let's talk about the BNP". Spencer's answer means: "Yes, let's."

Austin-Walker makes the next move: "Is he aware that there is an air of disbelief in Woolwich about failure to crack down on the BNP...?" This is not a question either. It is an announcement about Woolwich.

Spencer needs make no response, and does not. But the "question" is double-barrelled, the second barrel coming next: "How many black youths have to be slaughtered...?" etc. Spencer ignores the question mark ("quite a few" would not be the way to answer) and takes it for what it is: an entreaty. "Get your finger out" is what the MP means. Have you the gist? Foreplay, announcement, entreaty: let's discuss the BNP; it's a scandal; get your finger out. The question and answer form in which this discussion takes place is a pure fiction.

Equally fictitious is the "enquiry" which then comes from a source friendly to Sir Derek: John Marshall (C, Hendon, St. "Will my hon and learned friend confirm," he asks, "that the 1986 public order act makes it easier to deal with these offensive nut cases?"

Interpreting this needs subtlety. The first part (about the '86 act) is not, of course, a question; but nor (despite appearances) is it really a statement. It is a suggestion that the minister make a statement of his own, which Sir Derek duly does. He wants to. He has it all ready, written out in his notes. But somebody has to ask. This part of Marshall's question is therefore a "play us a tune" request. Sir Derek brings his notes to the party and somebody asks him to play.

Perhaps the somebody has been primed? A quiet word by a pps in Mr Marshall's ear over coffee: "Care to help Derek out this afternoon?"

The second part of Marshall's question (about "these offensive nut cases") is not, you realise, a question. But do you realise that it is not really even addressed to the solicitor general? Nor is it for the benefit of the BNP, who do not hold their breath waiting to hear Mr Marshall's opinion of them. No: this "question" is addressed to Marshall's constituents in Hendon, many of whom are Jewish, and means "electors of Hendon, I don't like the BNP any more than you do".

You have the gist? These exchanges lasted no more than 30 seconds, but it has taken me 700 words to explain what they mean. A strange tribe, MPs.

## NEWS IN BRIEF

### Saudis spare Briton from public flogging

A British hospital manager in Saudi Arabia yesterday escaped a public flogging when his appeal against the sentence for allegedly swearing at Saudi subordinates was upheld (Christopher Walker writes).

David Brown, 32, was arrested by the Mutawa, the religious police, and sentenced by a religious court to 50 lashes from a bamboo cane after employees at the British-run King Khalid National Guard hospital complained that he swore at them following an argument.

The Foreign Office announced that Mr Brown's appeal against the flogging, which would probably have been administered outside a mosque after Friday prayers, had been successful. Earlier Bob Cryer, the Labour MP, called on the British government to intervene "to halt this barbaric medieval punishment". The Saudi practice of publicly administering punishments was suspended while western troops were based in the country during the Gulf war.

### BR bribes case collapses

An Old Bailey case alleging corruption and bribery by a former head of British Rail's civil engineering department and one of their main equipment contractors collapsed yesterday after the judge ordered the jury to return not guilty verdicts on all charges. David Currie, 66, from Penn, Buckinghamshire, was cleared of taking bribes from Plasser Railway Machinery (GB) Ltd and two of their former executives, Norbert Jurasek and Michael Brooks. Jurasek, 51, managing director, from Wargrave, Berkshire, and Brooks, 64, company secretary, from Ringwood, Hampshire, together with the company itself, were also cleared of giving bribes. All defendants had denied the charges.

### Crowther improving

Leslie Crowther, the television presenter, has taken his first steps after making a big improvement since a car accident that left him critically ill. Mr Crowther, 59, suffered serious head injuries when his Rolls-Royce crashed on the M5 in Gloucestershire more than nine weeks ago. He is now talking, although his voice is weak, and is eating and drinking well, according to consultant Mr David Sandeman in a statement from the Frenchay Hospital, Bristol. "In the last 10 days his improvement has been dramatic," he said.

### Battle to save YMCA

The government was urged yesterday to save the Central YMCA hotel and leisure club in London. More than 700 people have urged the Charity Commissioners to block the sale of the property in Great Russell Street following the failure to meet interest payments on a £21 million loan. Contracts have been exchanged in a £35.5 million deal. The Labour peer Lord Stoddart of Swindon wants the government to persuade banks to reschedule the debt. Protesters will lobby parliament next week.

This year's vintage is probably our best ever. The nice thing is we've been able to say that nearly every year for 60 years.



#### WINE MAKER'S NOTES

Exhibits citrus fruit flavours in a medium-bodied style. Cold fermented for a crisp, yet soft finish. Good with light pasta, poultry, pork and seafood. Acidity 0.59g/100ml. Residual sugar: Dry 0.84g/100ml pH 3.28. Minimum 6 months in bottle before release.

THE WINES OF  
Ernest & Julio Gallo.

Ernest & Julio Gallo



Prisoner told cellmates as he was freed: 'Don't worry, I'll be back. I'm going to kill a copper'

## Judge gives five life sentences to 'pitiless' killer

By Stewart Tandler, Crime Correspondent

A MAN who stabbed a London police sergeant to death and killed two other people during an eight-day crime spree was sentenced at the Old Bailey to five life terms yesterday, with a recommendation that he should serve at least 25 years.

Nicholas Vernage, 27, of Leytonstone, northeast London, remained impassive after being found guilty of the three murders and the attempted murders of two policemen who tried to arrest him. During the trial, he told the court that he felt no emotion about the death of Sergeant Alan King last year.

Vernage, described by the prosecution as a man who would let nothing get in his way, stood with his hands in his pockets chewing a matchstick as Judge Lynbery told him he was "evil through and through, without any redeeming features". The judge said that, since his arrest, Vernage had shown himself to be "quite pitiless, without any vestige of remorse for your victims and their families". Vernage, who once told other criminals that he intended to kill a policeman, shouted: "Happy Christmas, by the way," as he was led out.

Peter Grenfell, 29, of Leyton, east London, was found guilty of unlawfully wounding constables Simon Castrey and John Jenkinson. He will be sentenced under the Mental Health Act later this month. He was cleared of the murder of Sgt King on the orders of the judge.

Sgt King's widow Monica, who watched the trial from the public gallery, said that

she could never forgive Vernage. Speaking about the case, she said: "I know that nothing can ever bring Alan back but no sentence that our courts are allowed to impose could ever be enough. He is alive and my husband is dead."

She blamed Vernage not only for the death of her husband but for the deaths of her elderly parents, who were devastated by his death. Mrs King's mother Lilian, 77, died in May from a long-term illness and her father Ron, 75, in September from a heart attack. Mrs King said she was convinced that their deaths were brought about by the trauma of the murder.

Sgt King's first wife, Marian Winters, was also in court with their children Amanda, 17, and Mark, 14. She said that she wanted the children to see the trial to help them to understand how they lost their father.

Vernage's crime spree began after he was released from prison after serving five years of a seven-year sentence for burglary. Before he left prison, he told his cellmates: "Don't worry, I'll be back. I'm going to kill a copper." Det Supt Doug Harvey, in charge of the murder enquiry, said that Vernage was the most dangerous man he had met.

Vernage committed a series of burglaries that led to the murders. Four days before killing Sgt King, he murdered Javid Iqbal, a cab driver, who disturbed him ransacking his home in Leytonstone. Three days earlier he had killed Lorna Bogle, 30, a former acquaintance, stabbing her in her chest.



Monica King yesterday, above. Sgt Alan King, top right, Nicholas Vernage, centre, and Peter Grenfell

back and hand in an attack at her home in Walthamstow, east London.

Grenfell, who was staying in a house in Walthamstow with Vernage, was later to tell police that Vernage, slightly built but fit and wiry, seemed to get enjoy the challenge if someone got in his way.

Vernage kept various items

from the burglaries in a Corina parked outside the house. Something about the car caused Sgt King, 41, to stop and investigate it one night last November. Vernage attacked him, plunging a knife repeatedly into his head and chest.

Holding the bloodstained knife, Vernage walked into

his home and kicked open a bedroom door, shouting at Grenfell to get up and help to push the police car out of the Corina's way. As Grenfell obeyed, Vernage spotted Sgt King staggering down the road in an attempt to flag down a car. He struck him again.

Hours later, Vernage used

the same knife to attack PC Jenkinson and PC Castrey when they tried to question him and Grenfell in Thornton Heath, south London. The constables, who were in court with friends and colleagues of the murdered officer, remain deeply traumatised and unable to return to duty.

### CRIMINAL CAREER

## Eight days that left three dead

By Our Crime Correspondent

NICHOLAS Vernage's reign of terror lasted just eight days but by the time he was cornered by a trio of police dogs he had killed a London police sergeant, stabbed a former acquaintance and a burglary victim to death in their homes and seriously injured two officers who tried to arrest him.

Even as the police closed in on him last November Vernage, convicted at the Old Bailey yesterday of triple murder, was still ready to do battle with law officers, the focus for his violence. As the dog handlers faced him in the shed of a suburban garden, Vernage brandished his knife and shouted: "Come on then, do you want some of this?"

Vernage kept a drawing of a policeman, a policewoman, and a police dog pinned to a door at his home in Leyton, east London and mutilated the picture with a screwdriver.

After his arrest for killing Sgt Alan King, Vernage scribbled on the wall of his cell: "Sgt King was killed, stabbed to death in red boiling unbearable blood." He also wrote the words "Red Rum" — murder spells backwards. A fan of horror films, Vernage said he took the idea from the film *The Shining*.

He considered escape while awaiting trial. He turned up for a court hearing smeared with baby oil, intended to make it hard to hold him. One of two pieces of metal he had acquired, which police believe he planned to have filed into a knife, was hidden in the sole of his shoe.

At the age of 26 Vernage had become what a detective called "one of the most evil and dangerous men in Britain". He was openly prepared to kill a policeman if he got the chance, and once boasted: "All I want is to kill a copper. If one gets in my way

I will put him to sleep." Behind that threat lay a hatred fed by Vernage's criminal career.

He was brought up in a children's home and earned a string of convictions as a teenage criminal for burglary, criminal damage, theft, assault causing grievous bodily harm and affray.

In 1986, Vernage and his brother John, 24, terrorised pubs in a series of rapes and burglaries. John Vernage was jailed for ten years in July 1987 for raping a teenage virgin and a housewife aged 44. Nicholas was jailed for seven years for conspiracy to rob and aggravated burglary. He was released last October and launched himself on an increasingly violent crime spree.

Friends noticed the change in him and were terrified. By the time Vernage stabbed Sgt King he had already killed two people.

Before his release, Vernage told a cellmate he was going to teach Lorna Bogle, 30, a woman he knew, a lesson for ignoring him in prison. On November 21 last year he attacked her in her flat in Walthamstow, east London, and stabbed her repeatedly.

Three days later Vernage struck again. Javid Iqbal, 37, a part-time minicab driver, of Leytonstone, east London, found Vernage burgling his flat. Mr Iqbal, a black belt judo expert, tried to tackle him and died from a single stab wound to the chest.

With two murders under his belt, Vernage was in no mood to stay his hand when Sgt King confronted him late at night outside the home of Peter Grenfell, his burglary accomplice. As the officer, wounded eight times, tried to crawl away, Vernage shouted "He's still alive, I'm going to finish him off", and stabbed the sergeant again.

## Labour's deputy robbed

By Michael Horsnell

MARGARET Beckett, deputy leader of the Labour party, and her husband were robbed by four youths who burst into their home near Derby, it was disclosed yesterday.

Leo Beckett answered a knock at the door of the couple's cottage in Normanton on Sunday evening while his wife was talking to a family friend in the living room. The attackers, who wore blue anoraks, bundled him through the house and ordered Mrs Beckett, MP for Derby South, not to raise the alarm while they carried out a search. They left after 20 minutes, taking a small amount of cash, credit cards and jewellery.

Mrs Beckett said: "They pushed their way in and threatened us. They just said 'Where's the money?' and 'Keep your head down'. It was not a pleasant experience. I don't think I was particularly singled out, there have been quite a number of break-ins in the area recently. This is one of those things that happens today."

Police are looking for two youths described as white, 5ft 6in to 5ft 7in tall, and clean-shaven with short, dark hair. A third was dark-skinned, 5ft 9in to 5ft 10in tall, and clean-shaven with dark hair cut in a modern style. There is no description of the fourth suspect.

## Crown fire record appals watchdog

By Sheila Gunn and Robert Morgan

A DAMNING indictment of fire safety standards in the 8,000 crown premises, including the Palace of Westminster, the royal palaces and government offices, is to be handed to MPs by parliament's public-spending watchdog.

Sir John Bourn, the comptroller and auditor-general, will report later this week on the high risks and lack of fire precautions in premises covered by crown immunity. In spite of repeated warnings, many still do not come up to the standards required by fire authorities in other buildings.

His independent assessment coincides with the government's decision to set up an enquiry into the adequacy of fire precautions at five royal palaces. Peter Brooke, the heritage secretary, announced at question time in the Commons yesterday that the enquiry



Brooke: enquiry into royal fire precautions

ry would include Windsor Castle, Buckingham Palace, Clarence House, Kensington Palace and St James's Palace. It will also examine Hampton Court, Kew Palace, the Tower of London, the Banqueting House and Whitehall.

Sir John Bourn is also starting an investigation, at the behest of the Commons public accounts committee, into the "value for money" aspects of fire precautions at the five royal palaces.

His wider report on fire precautions in England and Wales, which was completed before the Windsor fire, will warn the committee that in Westminster, in their own offices, faults identified in 1979 had still not been rectified by 1988. The palace is not expected to come up to normal fire standards for a further two or three years.

In the worst year, 1986, the financial loss through fires in crown premises totalled at least £7.5 million, due partly to the Hampton Court fire. Under crown immunity, the 8,000 premises do not require fire certificates. During a wide-ranging investigation, Sir John's officials from the National Audit Office found no complete record of fire incidents and casualties in crown premises. Sir John complains that the Crown Premises Inspection Group, which checks fire precautions in the properties, has been plagued by staff shortages.

## Riot trial pair escape from bus

By Lin Jenkins

TWO prisoners on trial for their alleged role in the Strangeways jail riot escaped from a prison minibus yesterday after holding a dart to the driver's throat.

Mark Azzopardi, 23, and David Bowen, 29, were being taken from Hull prison to Manchester Crown Court. They made off in a car with accomplices who had staged a fake road accident that allowed them to overcome three guards and the driver.

One of the prisoners stabbed a prison officer in the hand with the dart before holding it to the driver's throat. The prisoners forced the minibus to drive into a side street in Salford, Greater Manchester.

A police spokesman said the men told the officers to drive straight to the court and nowhere else, which they did and reported the incident. Police have warned people not to approach the two men.

Bowen and Azzopardi are among ten prisoners being tried on charges of riot during Britain's longest prison siege in April 1990. The trial began on October 9.

During the week the accused are held in the detention centre within the crown court building, but at weekends they are taken to the prisons to which they were transferred when Strangeways inmates were rehoused.

## ARCHAEOLOGICAL TREASURES SEND THEIR MESSAGE OF GREEK MACEDONIA

It is true that when ordinary people refer to Greek antiquity, they usually have in mind ancient cities that had played an important role in the growth of civilisation from prehistorical up to the classical period. Among them, Athens, Thebes, Corinth, Sparta, Olympia and other city-states of the southern part of Greece, the Aegean islands, Crete, Cyprus, west Asia Minor and even south of Italy, the very well known "Magna Graecia" are among the prevailing ones. On the contrary Macedonia's history comes into existence since the glorious reign of King Philip, his son Alexander the Great, and his generals who ruled over the remains of the late Persian empire, creating the very well known and so important Greek centers of civilisation of Alexandria, Pergamos, Antioch of Mesopotamia. Nevertheless, Macedonia's previous history remains quite obscure to common people.

However, archaeological excavations during the last twenty years brought to light hundreds of ancient Greek cities, temples, palaces, theaters and tombs, one of which is the famous tomb of King Philip, and treasures of an exquisite workmanship and design. Chronologically, they cover the most important periods of the Greek history from the Mycenaean up to the classical times. Their number increases in such a manner, that in the years to come, they will very probably exceed those of the southern part of the country, which was wrongly considered to constitute the main body of Greek antiquity. Therefore, when talking of ancient Greece, one must have in mind its northern part as well, i.e. Macedonia.

### The bronze crater of Derveni

Amongst the most important finds are the bronze crater and several other bronze vases with an attractive golden appearance. They were discovered near Thessaloniki, capital of Macedonia in 1969. They are ascribed to the 4th century B.C., a period during which metal working technique in Greece had reached an amazingly high standard of perfection.

The large crater, a unique masterpiece of ancient Greek art and technology, has a 90 cm height, and an approximate mass of 40 kg. The base, the four statuettes, which lie on the crater's shoulder, and the two heavy handles are cast, while the whole main body with the fine relief decorations is forged.

Its golden colour, which led archaeologists to believe that it was gold plated, is due to an unusual high tin content (15%). It is surprising how ancient Greeks had shaped the hard copper — tin alloy into such a large vase and, what is more, they had decorated its main body with high relief decorations.

On the other hand, X-ray investigation led to the unexpected conclusion that this huge crater was from bottom to the middle of its neck a one piece vase. At this point exists the sole welding zone between the main body and the upper part of the crater. Just above the welding point some small size wild animals seem to walk on an irregular ground. In this way, the artist has actually succeeded in hiding the rather rough welding.

Macro and micro examination and experimental work showed that the crater would have been produced by forging, while the smaller bronze vases either by forging, or on the lathe or, finally by a

combination of both. In fact, some of the small vases show signs of spinning on the lathe.

The above study has largely contributed in assessing the achievements realized by ancient Greeks in Macedonia during the 4th century B.C., and has led to the conclusion that throughout this period Greek art and technology had actually reached a climax of perfection and, what is more, Macedonia the new Greek super power that had succeeded Athens after its decline constituted part of the ancient Greek world and a continuation of its civilization.

Prof. Dr. George J. Varoufakis  
Head of the Research and Quality Control Department  
of HALYVOURGIKI INC.

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## Checkland defends BBC's finances

By Melinda Wittstock  
Media Correspondent

SIR Michael Checkland, who steps down as director-general of the BBC at Christmas, denied yesterday that the corporation was "out of financial control" as the row over a £58 million overspend was raised in the Commons.

In a letter replying to criticism, Sir Michael said he hoped licence-payers would be reassured by the BBC's overall record and "continuing commitment to provide a full range of radio and television programme services" within its income.

In the Commons, Ann Clwyd, shadow heritage secretary, demanded to know how the BBC could be "riddled with accountants and yet allow an overspend of £58 million".

Last week, the corporation admitted that because of a series of accounting errors it had overspent by £38 million

in the 1991-2 financial year and was destined to overspend by more than £20 million this year. Will Wyatt, managing director of network television, said that production of three drama series had been cancelled because of the overspend, which would also lead to more repeats.

"Why was this huge overspend, involving millions of taxpayers' money, not made clear in the BBC's report presented to Parliament?" Mrs Clwyd asked Peter Brooke, the heritage secretary. "Why is it that the BBC board of governors and board of management have failed to ensure that financial management systems were in place?"

Mr Brooke said the BBC, which balanced its books last year in spite of the overspend, had acted to correct "faults" in its accounting systems.

In his letter to national newspapers, Sir Michael Checkland was at pains to point out the profits made by the

corporation. He said: "In 1991-2, the income of the BBC from licence fees and profits from BBC Enterprises was £1,399 million. We spent £1,390 million — £9 million less than the income and £39 million less than we had planned to spend in the year."

"The television problems, which we have made public as part of our determination to the public, were more than absorbed by underspendings elsewhere. No programmes had to be cancelled or productions stopped. In 1992-3, our anticipated income from licence fees and profits from BBC Enterprises will be £1,478 million."

"Our expenditure is forecast to be £1,475 million — £3 million less than our income but £13 million (0.9 per cent) more than we have so far budgeted to spend. We have made a small number of adjustments to our television transmissions and productions including moving some into next year."



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## Christmas break stretches to two weeks for idle hands

By IAN MURRAY

MORE people will extend the four-day Christmas break to a full two-week holiday this year because of the recession. Thin order books mean that many companies have decided it is cheaper to extend the holiday period for up to two weeks rather than call in workers to operate idle machines.

"A lot of firms have decided they can close that long because of the poor economic situation," the Confederation of British Industry said. "There is no point in running factories flat out if there is no sale for the goods."

The Transport and General Workers' Union said that although it had noticed no high profile cases of firms giving workers longer lay offs than usual, "it is quite possible

that people in smaller workshops are shutting down for an extra week because of the economy".

For more than a decade, most industrial employers have accepted there is no point asking people to work in the week between Christmas and New Year. With Christmas falling on a Friday this year, the normal break takes in two weekends and lasts ten days. This year, however, more companies than ever have decided to copy the construction industry and Ford, two of the trendsetters for the two-week Christmas break.

The construction industry has a negotiated shutdown from December 18 to January 4. Employers accept that in any event bad weather and the small number of daylight hours available at this time of year mean that it is often more

efficient not to work at all. The longer closure will scarcely matter to Ford this year, since the company suffered a near 20 per cent drop in sales volume last month. In contrast at Jaguar, plans for a long Christmas holiday have been cancelled thanks to an unexpected upturn in sales. Nissan, too, after doubling its UK sales in a year, has no need for a long holiday.

The motor industry is happier overall than it has been for some time, with sales last month up 6.3 per cent on the year. "There are a lot of signs of recovery of confidence," the Society of Motor Manufacturers and Traders said. "People are not short of money but of the confidence to spend it."

If the recession is closing parts of industry down for longer periods, it is encouraging shops to open more

often. Of the big chains only C&A, John Lewis and Marks & Spencer have decided to abide by Sunday trading laws in the weeks before Christmas. Those that are opening all weekend say that the move is paying handsome dividends. D. H. Evans sold more in six hours last Sunday than in eight hours on Saturday.

The Oxford Street Traders Association said: "There is no indication people are emptying their pockets here. We see no sign of an end to the recession. People keep saying things are getting better but we don't see it yet."

At the top end of the market, Harrods says that it is doing particularly well, although its figures are helped by the large number of overseas customers taking advantage of the low value pound.

Sales in the store's "luxury room" are up 24 per cent on last year and more than 30,000 of Harrods' 1992 collector's teddy bears have been sold at £21.95 each.

The Royal Mail, too, is happy with the increased volume of cards being sent. It estimates a record 1.6 billion deliveries this year, up from 1.5 billion a year ago. Last deliveries and collections before the holiday will be on Christmas Eve, with both being resumed on Tuesday, December 29.

The only rail services running on Christmas Day are to Gatwick with only skeleton services on the bank holidays. Only London buses on the Victoria to Heathrow service will operate on Christmas Day. On New Year's eve, London Transport plans to operate a free late night service to take revellers home.

## Drink-drive campaign too realistic for family viewing

By MICHAEL HORSNELL

THE government's Christmas campaign against drink-driving was launched last night with a television commercial so vivid it will not be screened until after the 9pm watershed.

The £1.3 million campaign is built around the commercial showing a road crash with paramedics trying in vain to revive a young woman who has terrible head injuries.

Kenneth Carlisle, minister for roads and traffic, said: "I make no excuses for the starkness of this commercial. I know that it may disturb many people sitting comfortably at home. But the reality is harsh."

The 40-second advert carries the message: "Look her in the eye. Then say a quick drink never hurt anybody." It will run until Christmas and then occasionally until the new year.

terrible results of drinking and driving but sometimes, tragically, people take the risk. Most drivers believe they will never cause a serious accident. But nine out of ten accidents involve human error and error is more likely to occur after drinking."

The commercial features paramedics of London Ambulance Service desperately trying to restart the heart of the young woman at the scene of a car crash, as she lies with her head resting on a blood-soaked bandage.

As it becomes clear that their efforts are failing, a distraught motorist is heard saying: "I only had a quick one. I thought it would be all right." He cries out: "Make her be all right." The driver is then asked: "Have you been drinking?"

The part of the dead girl in the government's drink-drive commercial is played by Denise Douglas, 18, who passed her driving test only last week. She said last night: "While I was lying there with tubes down my throat, blood pouring out of my nose and hair, I caught a reflection of myself and was rather frightened. It was very difficult."

The horrific scene has been designed to shock all people who drink and drive, but particularly men in the 18 to 35 age group.

Deaths caused by drink-driving have fallen from about 1,500 a year in the early 1980s to 700 in 1991 and the government is claiming success with its repeated campaigns against over-the-limit drivers. But the transport department decided to take advantage of a hardening in attitudes against drink-driving by pressing home the message again with a particularly brutal commercial.

Mr Carlisle, who was launching the campaign at the headquarters of London Ambulance Service, said: "Most people now understand the

injured person had to be freed from beneath the "warm and newly dead body" of another car occupant.

There are about 95,000 drink-driving convictions each year in England and Wales and one road death in six is drink-related. Deaths caused by drink-driving cost society about £500 million a year.

Terry Siggs, deputy assistant commissioner of the Metropolitan police, said attitudes to drinking and driving were changing slowly but surely. He said that throughout the country, extra police would be on patrol to combat drink-driving over Christmas and the new year.

"We don't set out to spoil people's fun but we try to ensure that no one's fun is stopped forever by the actions of a criminal driver," he said.



Shock tactics: an image from this year's campaign, which is costing £1.3m

## Paralysed boy to sue Ford for £1m

By PETER VICTOR

MOTOR manufacturers could face huge costs if a 15-year-old boy succeeds in a compensation claim for more than £1 million against Ford.

Peter Elliston has been granted legal aid to sue the company for failing to provide adequate safety measures after his spinal cord was severed by a safety belt in the back of his father's car.

If successful, his case could lead to a series of compensation claims from victims of accidents who were wearing two-point safety belts in middle rear seats.

Peter, from Oxfordshire, was in his father's Ford Sierra on a trip to Alton Towers when they crashed. He was thrown forward while restrained by the safety belt across his lap. His spine was severed and he has been paralysed.

Volvo is the only motor manufacturer which fits three-point belts for centre rear seat passengers, although other makers have plans to introduce them.

Douglas Stewart, the boy's solicitor, says the case will be brought under the consumer protection and sale of goods acts. The latter says that goods must be sold free of defects.

The Society of Motor Manufacturers and Traders said: "If such a ruling were applied to every vehicle in which a two-point belt was worn by a person injured in an accident the costs could be astronomical."

Ken Barnes, the society's head of engineering, said at present there was no legislation to cover the fitting of three-point belts in central back seats. "Three-point seat belts have to be anchored at points of adequate strength in the body. In hatchbacks and estate cars this presents horrendous difficulties."

## Cost of alcohol and tobacco pushes UK up prices league

By JULIA LLEWELLYN SMITH

BRITAIN is the fifth dearest country in a review of prices of everyday items conducted in 13 countries.

The World in a Shopping Basket survey shows that 22 items cost £42 here, compared with an international average of £37.63.

Costs in Britain were pushed up by the prices of cigarettes and alcohol, which are cheaper in every other country in the survey apart from Iceland. The cheapest place overall in the survey is Mexico, where the basket would cost £20.40, followed by India, Czechoslovakia, Australia and the United States.

Prices were more or less uniform throughout the European Community, apart from in Belgium where they are much higher, with the Spanish, German and Dutch baskets costing less than in the UK and Belgian. French and Italian ones costing more.

Iceland tops the list by a huge margin with the basket costing £76.81, almost double the UK amount, because most of the items have to be imported.

As well as having the cheapest Mars bar and tin of Heinz baked beans, Britain also has cheap detergent, sugar and petrol.

Petrol was cheaper in the UK than in the rest of the EC nations surveyed, at 47p for a litre of leaded, but much more expensive than the 17p paid by Americans or the 21p paid by Mexicans.

But the British have some of the most expensive vices, with a bottle of rum, a packet of Marlboro cigarettes and a can of lager all priced above the average, mainly because of high taxation.

Bananas and soap in the UK are also among the most

expensive in the survey, conducted by International Information Services, the product information arm of the market analysts Mintel.

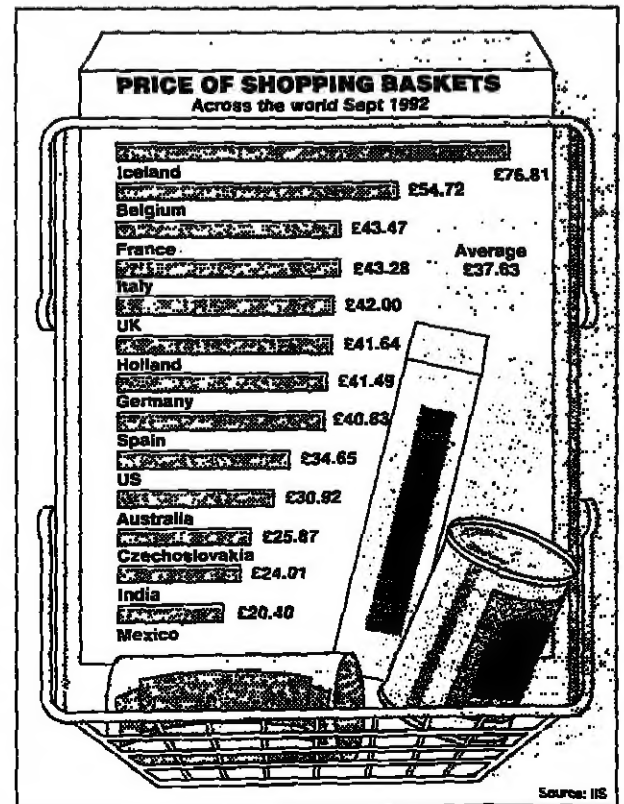
Although the baskets tend to be cheaper in the poorer countries, this trend did not apply to all products. India comes near the bottom of the league for nearly everything, but luxury items such as disposable nappies and a Mars bar cost nearly twice as much as they would in the UK.

Locally produced products are cheaper than average in Czechoslovakia, but imports such as Coca-Cola and body sprays are more expensive.

John Cunningham, Mintel's chief executive, said that some price differences were caused by multinational companies charging what they thought the market would bear.

"Some of the variations in price will be due to differences in exchange rates, some will be due to the differences in local raw materials, production or shipping costs and some will be due to variation in taxes."

"But some products have too wide a variation in prices to be explained by these factors."



## Gypsies face loss of rights

By FRANCES GIBBS  
LEGAL CORRESPONDENT

PROPOSALS to abolish councils' duty to provide adequate camp sites for gypsies have been attacked by the law reform group Justice as a potential breach of human rights conventions.

The environment department is proposing a reform of the Caravan Sites Act 1968, making it discretionary for councils to provide adequate camp sites, and creating an offence of unlawful camping. A final sanction would be the confiscation of a caravan.

The number of gypsy caravans has risen since the 1968 act was introduced. The present estimate is about 13,500. There are legal sites for only about 60 per cent of the caravans.

There has also been an increase in "new age" travellers, who do not wish to use sites. Separate measures are being considered to deal with these.

Justice says that the proposals shift of policy that "could well operate unjustly to deny these people a lifestyle which is well within the law". It says that gypsies are unpopular and that unlawful camping causes distress and damage to landowners and communities, but it argues that a minority group is entitled to a particular lifestyle if it does not impinge on others.

The group is also concerned about what it calls the unacceptable proposal of criminal offences to deal with what is "essentially a social problem" that should be the province of the civil, not the criminal, law.

## Council seeks chance to sue for libel

By RICHARD FORD, HOME CORRESPONDENT

LOCAL authorities must be able to defend their reputations against dishonest attacks in the media by bringing civil libel actions, the law lords were told yesterday.

Without the ability to start civil proceedings to protect themselves from unjustified criticism, local councils could find themselves in an unfair position when tendering with private contractors to supply services to the public.

Charles Gray QC, for Derbyshire County Council, said that one consequence of depriving authorities of the right to sue for libel was that they would be vulnerable to damaging allegations. This would not apply to private tenderers as they have a right to take action for defamation.

In a case with important constitutional and legal implications, Times Newspapers Ltd is arguing that a government body is not entitled to sue for libel to protect its reputation in relation to the performance of its duties.

Derbyshire County Council is appealing to an appellate committee of the House of Lords against a ruling that local authorities and government departments do not have the right to protect their reputations by suing for libel.

The Court of Appeal ruling last February said that such a right would interfere with the right to freedom of expression by stifling legitimate public criticism of an authority.

The hearing before five lords of appeal presided over by Lord Keith of Kinkel arises out of two reports in The Sunday Times in 1981 that criticised share dealings by the county council's pension fund.

The council sued but in the appeal court Lord Ralph Gibson said that to allow a council to sue for libel would "impose

a substantial restriction on freedom of expression".

Mr Gray told the law lords that the articles contained serious libels and defamation. In carrying out its duties a local council acquired a reputation, whether good or bad, that was separate from its individual officers, elected representatives or employees.

He said it was a principle of common law that any local authority had a right to protect its reputation against unjustified or dishonest attack. It was established that trading corporations, trade unions and religious bodies could sue for libel and there was nothing to distinguish Derby County Council from these organisations.

Despite the Court of Appeal ruling, councils have other remedies. They can sue for malicious falsehood but that requires proof that what is said is false, instead of the media having to prove it to be true; and they must also show that publication was made maliciously, and that it was likely to cause damage.

The law lords hearing continues today.

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## Recruitment policies tightened

## Children's homes to weed out paedophiles

BY JEREMY LAURANCE  
SOCIAL SERVICES  
CORRESPONDENT

SWEEPING changes in the way staff are selected for children's homes were announced by the government yesterday, to prevent paedophiles from gaining access to vulnerable youngsters.

A letter will be sent to local authorities this week demanding an end to sloppy recruitment policies after a report condemned politicians, social workers and the public for showing indifference to the lives of children in care. Guidelines governing staff selection procedures for the 1,300 homes containing 11,000 children will be issued shortly and childcare workers may, in future, need a licence to practise.

The report says that paedophiles are likely to turn their attention to other areas, such as education and youth work, as the rules on children's homes are tightened. "Society will need to be alert to the danger," it says.

Ministers are known to be extremely disturbed by the findings of the Warner enquiry, set up after the Frank Beck scandal in Leicestershire. Children's homes have been a neglected backwater, the report says, where "unscrupulous individuals have been allowed to abuse the positions of power they have acquired over vulnerable children."

Beck received five life sentences for sexually abusing scores of youngsters while in charge of four children's homes. He was allowed to

## Sexual perverts could switch their attention to education and youth work, says an enquiry into abuse in children's homes

continue working with children despite four separate police investigations into alleged abuse.

The Warner report is the eighth enquiry into children's homes in the past few years to highlight disquiet with their management. All have drawn attention to the same shortcomings, but their findings have been unheeded. Public attitudes have been marked by a disbelief that abuse can occur in the homes, and a lack of interest in their purpose.

There is a misconception that children's homes contain orphans and truant whose lives can be transformed by human kindness. Many of the children are violent, abusive and self-mutilating, and a third have been victims of sex abuse. All make huge demands on staff. Some social work managers dismiss the homes as "a necessary evil".

The report says that the homes "need their place in the managerial sun". Resources should be switched from other parts of the social services budget to raise the status of homes and their staff.

Many employers make no systematic attempt to find out how job applicants relate to children, or to uncover incidents in their past, the report says. They place a "touching faith" in interviews. One in ten heads of homes and one in three other staff were appointed

before references were received and there were delays of up to three months in checking criminal records.

The report says that staff, 80 per cent of whom are unqualified, must be more closely supervised and given better training. The government should recognise that some "engine for change" is required: it suggests a Development Action Group, appointed for three years, directly responsible to the secretary of state. It says that more money is not necessary but that local authorities should "reorder priorities".

The Association of Directors of Social Services welcomed the report but said that the 1.5 per cent public sector pay ceiling could deter recruits of the highest calibre.

Janet Daley, page 14



Gold rush: auction bids of up to £100,000 are expected tomorrow at the Royal Agricultural Halls in London for a 1931 Rolls-Royce first owned by Charlie Chaplin, which featured in *The Great Dictator*

## Delors told treaty is pure bull

BY KATE ALDERSON

JACQUES Delors was given some plain English speaking yesterday when he was told the Maastricht treaty was "bull".

The EC president was one of seven recipients of a Golden Bull Award for incomprehensible English from the Plain English Campaign at its award ceremony in London.

Mr Delors was not present to receive the award, which also went to Sky Sports, the magazine *Personnel Management*, the National & Provincial Building Society, the Benefits Agency, the solicitors Bowcock & Pursall and Jewson.

Plain English Awards were given to Companies House, the Lords Chancellor's department, Ciba-Geigy Pharmaceuticals, Northumbria Motor Services Ltd, the Employment Service and the Inland Revenue, for the seventh time in ten years.

Crystal Clear News Shields were presented to Channel 4 News, *The Independent*, *Newsroom South East*, BBC Radio Northampton and *The Yorkshire Post* for the presentation of clear information.

## Ex-marine who ran regime of terror

BY LIN JENKINS

FRANK Beck is serving five life sentences for the evil he perpetrated on those in his care. Over 13 years he sexually and psychologically abused children as young as eight, stealing their childhood and leaving their lives distorted.

His job as the man running three council children's homes in Leicester and Market Harborough made committing the crimes easy. Four police investigations failed to discover them.

Peter Joyce QC, for the prosecution at the trial at Leicester Crown Court in September 1991, said: "It was a tunnel of darkness in which they found themselves. There was no escape. If they ran away or did something wrong they were sent straight back into the darkness."

Children came under "his sheer power, his sheer personality, his sheer ego". The homes were supposed to offer a safe environment but some of the weakest and most troubled in society "had their lives totally distorted and twisted by those whose responsibility it was to help them".

One woman, aged 31 at the trial, described being repeatedly raped under threat of being submitted to a psychiatric unit. She had faked abdominal pains and allowed her appendix to be removed in order to escape sexual abuse. Males described being sexually assaulted in their pyjamas and given a lolly pop as a reward. Nobody listened to their complaints, they said. One man, who repeatedly absconded was moved finally when he told

juvenile magistrates that he would kill himself if sent back. Beck resigned in 1986 after complaints of sexual harassment by two male care workers. Despite recommendations by the county's legal department that he should not be employed as a social worker again, Brian Rice, a former director of Leicestershire social services, gave two references. Only by chance was Beck investigated more than three years after he resigned when a woman accused of ill-treating her son told a children's rights officer that the blame lay in the abuse she suffered while in Beck's care.

Beck's charisma, his ten years in the Royal Marines and his work as a Liberal councillor on Blaby district council from 1983 helped to form his reputation as the best man to cope with difficult children. Mr Justice Jowitt drew a different conclusion. "You are a man whose character combines considerable talent and very great evil."



Beck: "Distorted and twisted children's lives"

## The way it isn't

CRAIG BROWN



A Sunday newspaper suggested that the Prince of Wales recently employed the pseudonym Mr Parker when travelling abroad. His choice of name may have fewer gossipy reverberations than the newspaper suggested: the royal family has long been entranced by the everyday surname, and Parker may just be the next on the list.

When Princess Margaret and Lord Snowdon were courting, they booked the theatre tickets under the name Norman and Ruby Gordon. Years later, Princess Margaret and her friend Roddy Llewellyn called themselves Mr and Mrs Brown when travelling to Mustique. Princess Alexandra and Angus Ogilvy have called themselves both Mr and

Mrs Butler and Mr and Mrs Kent on trips abroad, and in 1981 the Prince and Princess of Wales flew to the Bahamas as Mr and Mrs Hardy. The Prince of Wales once signed himself as Charlie Chester when entering a club, a name with some validity, as he numbers among his titles the Earl of Chester.

The tradition goes back a long way. When Lord Brownlow escorted Mrs Simpson from Newhaven to Dieppe after the abdication, he booked their passage under the names Mr and Mrs Harris. To avoid unwanted publicity during a holiday in France, Queen Victoria called herself the Countess of Balmoral. When King George III contributed an article to *Annals of Agriculture* in 1787, he used the nom de plume Ralph Robinson. But others have been less tactful: when Queen Victoria's grandson, the Duke of Clarence, used to sign his name upon entering the notoriously homosexual Hundred Guinea Club, he would write simply "Victoria".



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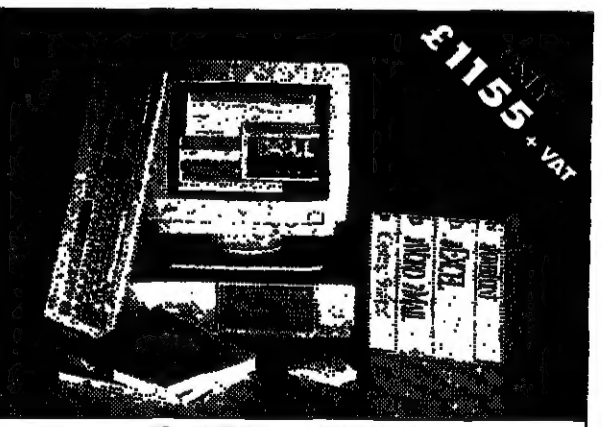


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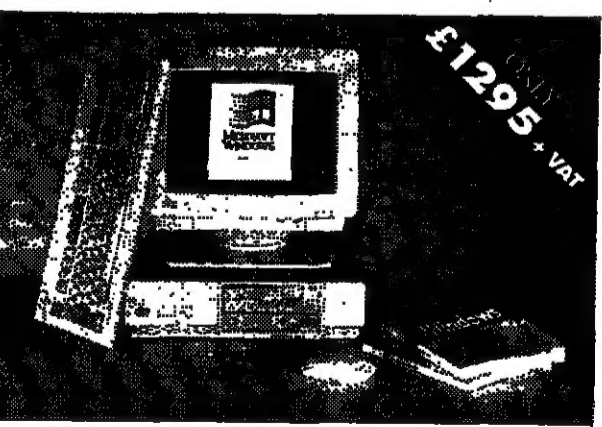


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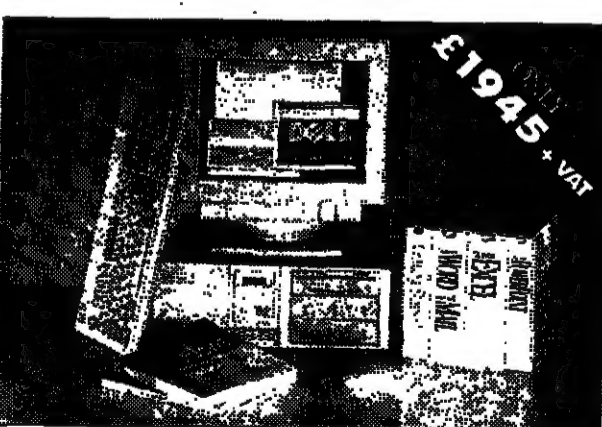
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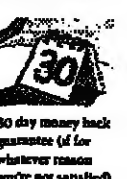
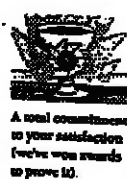
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IT'S BEST TO BE DIRECT

7/92



Bad backs more likely than flat stomachs, experts warn users

## Fitness videos can damage your health

By JULIA LLEWELLYN SMITH

VIDEOS that promise bulging biceps, thin thighs and a flat stomach are more likely to give users an aching back, strained muscles and a pot belly, according to a Consumers' Association report published today.

A panel of fitness experts found that nearly half the workout videos reviewed in the report put users at risk from dangerous and outdated exercises. The report accuses many of the videos of making dramatic and unrealistic claims, such as "The body you've always dreamt of could be yours" and "Lose cellulite for ever".

The panel's main complaint of the panel was that too many "ill-advised celebrities" were endorsing videos, despite having no professional qualifications. "Unless presenters are doing the exercises correctly themselves, you're going to follow their mistakes, risking injury," the report says.

The actress Jane Fonda, who introduced aerobics tapes to Britain in the early 1980s, was criticised for her out-of-date and potentially dangerous exercises in her *New Workout*. "Burn all calories" one member of the panel said. Lizzie Webb, the breakfast television fitness presenter, was berated for a video that includes "dangerous side lean bounces" and a generally risky routine.

The model Cindy Crawford's fitness video was described as atrocious by *Health and Fitness* magazine recently. It said that Miss Crawford over-extended her back in the exercises—risking serious back strain—to make her chest stick out.

Also criticised is the *Muscle in Motion* video, by the Chippendales male strippers, described as "totally and completely unsafe". "The person who put this together must have been living in a box for the past ten years," was one comment on the video, which claims: "Muscle in Motion is bound to get your heart

beating faster, even if all you do is watch." Among the videos to be praised was that of the singer and actress Cher, who is commended for being shown following the routine of her personal instructor and not pretending to be an expert.

The panel, which included a sports medicine expert, a physiotherapist and a representative from the Association for Health and Exercise Teachers, condemned the Callanpinck programme as generally unsafe. The *Quick Callanpinck* video, which promises "a perfect flat stomach", will deliver an aching back, rounded shoulders and a pot belly, the report says.

Risky exercises will not necessarily cause harm, especially if the person doing them is already fit, the panel says, but it emphasises that there are safer ways of achieving the same effect. People buying fitness videos are advised to check the instructor's qualifications before buying, and to stop exercising immediately if they feel pain.

Even the more worthwhile videos seem unlikely to have much impact on the health of the nation. Although two million fitness videos were sold last year, the report found that two thirds of buyers never use them, or use them less than once a month.

Many frozen fruits and vegetables are more nutritious than fresh ones, another Consumers' Association survey says. It found that frozen spinach had twice as much vitamin C as the fresh or tinned varieties and that frozen raspberries, broccoli and peas were at least as good as fresh ones.

Fresh produce loses vitamins as it decays, and canning destroys nutrients. The association says that home freezing is unlikely to retain nutrients, as it is impossible to replicate the extremely low temperatures used by the frozen food industry.

Body and Mind, page 13



"Ill-advised celebrities": routines by Jane Fonda, top, Lizzie Webb, left, and Cindy Crawford are criticised

## Directors peg rises at 5% on average

By DEREK HARRIS

PAY restraint has reached the boardroom, with directors' rises in the past 12 months averaging 5 per cent, little more than those of their employees.

There were big variations, with a third of the 6,000 directors in the survey receiving rises of 4 per cent or less, 14 per cent taking no rise, and 1 per cent having pay cuts. Lower rises are being forecast for directors next year, according to a survey by Reward, the pay and performance researches.

The average salary for managing directors of companies with a turnover of up to £25 million is now £46,000. Companies with sales between £20 million and £250 million pay an average £78,045. Managing directors in the leading companies receive an average £107,500.

Fewer directors have a company car and many have lost performance-related bonuses or seen them fall. Jaguars remain the favourite car.

Average pay settlements in industry and commerce, reported by the Confederation of British Industry, stood at 4.2 per cent in the third quarter of this year, as in the second quarter. Manufacturing pay settlements have been hovering at just over 4 per cent for 12 months. Service sector pay deals have been running at 4.4 per cent in the first half of this year.

Blenny Jenkins, of the Institute of directors, said: "Here is concrete evidence that the majority of directors have not lined their own pockets while holding down the pay of others. Contrary to the image created by the publicity given to salaries of a handful of high-profile top earners, directors in general are giving a lead in pay restraint."

Like the CBI, the institute is looking for a decline in pay settlement levels. Mr Jenkins said that pay rises of 4 per cent in the coming year could not be justified except on the basis of performance, productivity or promotion.

**Directors' Rewards.** Reward Group (Reward House, Diamond Way, Stone Business Park, Stone, Staffordshire, ST15 0SD; £350)

## NEWS IN BRIEF

## Bank raider wanted to save world

An ecology-conscious robber who held up banks to help to save the rainforests was jailed for five years yesterday. Steven White, 21, forced staff at five banks in the Oxford area to hand over cash and then gave it all to strangers. Southwark Crown Court was told.

But his crime spree ended when he handed a note to a woman cashier at a bank in Piccadilly, London, saying he would detonate a bomb if she did not hand over £6,000. She set off an alarm and White, who is jobless and of no fixed address, was arrested outside.

Alison Brooks, for the defence, said White had given away all the money from the successful raids. "He gave it to complete strangers in demonstration against the use of rainforest trees. He also gave it to people to buy drugs that would make them feel good, and scattered money on pavements for people to take. He's not a dangerous or violent man," she said.

## Crash pilot was top executive

David Kay, a company chairman, and his wife Margaret were named yesterday as the couple killed in an aircraft crash on Sunday, the day that his firm's success was featured in a national newspaper. Mr Kay, who founded the recruitment company GKR, had hired the Cessna 128 that crashed near Booker airfield in Buckinghamshire.

The couple, both in their fifties, lived at Cookham Dean, Berkshire, and had been visiting Tyneside.

## Britons die

A British woman and her six-year-old daughter died of asphyxiation on Sunday because of a gas leak in their apartment in Rio de Janeiro. The bodies of Juliana Bonso, 24, and her daughter Natalie Anne were in the bathroom.

## Village enquiry

A public enquiry begins in Ely, Cambridgeshire, today into an application to build a village with 1,650 houses and flats at Kennett, four miles northeast of Newmarket. The proposals by Landmatch include shops, a school and construction of a link road between the A11 and A45. There will be 300 low-cost homes to meet local needs. The enquiry is expected to last about 16 days.

## Rare TV stolen

One of the rarest televisions in the world, a 1929 John Logie Baird Televisor, has been stolen from Darlington Museum, Co Durham. The four-legged television is worth £3,000 and is one of only six such sets left in existence. Below the 6in by 5in screen is a metal plate bearing Baird's signature.

## Army job club

Archie Hamilton, the armed forces minister, opened the army's first job club for soldiers being made redundant or leaving the military.

## Giant wave forces emergency repairs as albatrosses wheel overhead

At 6.30am on Sunday we were breakfasting on cornflakes and tramping along at nine knots, believing we were having a good run and had made the right tactical decision by choosing a more southerly course than our rivals.

Robert, at the helm, was caught by a big wave. After a surge landing, but no crash, speed began to pick up again when there was a bang followed by a yell: "The forestay (mast support cable) has broken, the forestay has gone," repeated three times.

Breakfast was abandoned and everyone rushed on deck, some struggling into foul weather gear, others wearing only thermal underwear. Robert was already heading away to ease the load from the forward rigging and the foredeck crew sprang into action, grabbing the wet, flogging sail to prevent any further damage. Working with bare hands on cold, wet steel they had to take turns to rush below to warm themselves.

With the sail off and stowed away and the loose forestay tied off, all foresail halyards (ropes which pull up the sails)

Five days after rounding Cape Horn, Coopers & Lybrand suffered near-disaster chasing the leaders in the British Steel Challenge round-the-world race, reports her skipper, Vivien Cherry



were attached to the deck to support the mast. As a further precaution, a third reef was made in the mainsail to reduce its area and cut the load.

We surveyed the damage. The bottom rigging screw, a metal bar less than an inch in diameter, had sheared. The sail, our number two yankee, appeared to be intact, although Neil found later that two hanks had broken off.

A subdued atmosphere enveloped the yacht. Thoughts of returning to land for repairs, as other yachts had done, or limping towards Hobart with no more than a staysail, filled

us with despondency. As we do not carry any spares and were 1,000 miles from land, a brainstorming session was needed. This was the same failure that happened on *Group 4* at the beginning of the leg.

Options for a temporary repair were considered and all suitable spares, shackles, lines and anchor chain were assembled.

The option of returning to land was never a real possibility. Matt inspected the baby stay and shrouds and said the aft lower fitting was suitable.

Arnie, Bertie and Titch took it in turns to dismantle the port leeward lower as it was not loaded, and to rebuild the forestay. When it was back in one piece, Matt and Arnie put the tension back on. It was an extremely wet and cold job, on the bow of the yacht while we were sailing along and digging into the Southern Ocean waves.

All the time we were escorted by albatrosses. These great ocean birds came down to take a look before soaring away, never appearing to move their wings and totally unconcerned by the yellow humans rushing about the vessel.

With the foredeck cleared, we set the yacht back on course. A break of two and a half hours while we made little way had been the cost. We surprised the fleet at the speed of our repair, as similar damage cost *Group 4* two days. It called for a celebration—a beer, chilled of course.

Although we lost about 20 miles to our nearest competitors, we managed to stay in third place. But the race is becoming ever closer and there are still 4,400 miles to Hobart.

## Repairs to crescent set record

By MARCUS BINNEY ARCHITECTURE CORRESPONDENT

THE owners of The Crescent in Buxton, Derbyshire, are about to receive the largest repair order served on a listed building.

The national heritage department will require a property company to do work worth £900,000, including elimination of wet and dry rot and extensive roof and masonry repairs.

Built for the fifth Duke of Devonshire, the Georgian crescent has deteriorated sharply since St Ann's Hotel, which takes up two thirds of its length, was closed under a hygiene order in June 1989.

The owners, Capitalise Ltd, will have two months to respond to the notice. If their reply is unsatisfactory, Peter Brooke, the heritage secretary, may issue a compulsory purchase order. A very low value would probably be placed on the building, reflecting its condition. Previously the asking price for the hotel had been £750,000.

## Fraud team tracks banana bunch

By MICHAEL HORNSBY, AGRICULTURE CORRESPONDENT

QUESTION: When does a legal banana become illegal? Answer: When it is grown in Nicaragua but masquerades as a European Community "preference" banana from Britain's former Caribbean colony of Dominica.

Customs officers who have been on the trail of alleged EC "banana runners" for more than a year have "detained" 75 tonnes of the fruit at Felixstowe harbour that arrived from Holland. They suspect a plot to deprive the Exchequer of £1.6 million in import tariff revenue.

"Our investigations are centred on a company in Hull. No arrests have been made yet," a customs spokesman said. "This is the first time that we have uncovered clear evidence pointing to fraud."

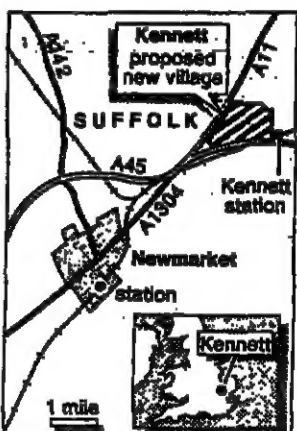
Customs officers say 53 tonnes of bananas from Nicaragua, which should pay a 20 per cent tariff, were hidden under 22 tonnes of bananas from Dominica, a Windward Isle, which are allowed duty-free entry to Britain.

To the banana connoisseur, there is no mistaking the

difference between the smaller, mottled, thin-skinned, bruise-easy and high-cost Caribbean fruit, usually grown on peasant smallholdings, and the large, waxy yellow "dollar" bananas cheaply mass produced on Latin American plantations run by United States multinationals.

The purpose of the alleged scam appears to have been to exploit banana price differences within the EC where some countries, including Britain, France, Italy and Spain, use import tariffs and quotas to limit the access of low-cost "dollar" bananas. Bananas in Britain, which imports 55 per cent of its needs from the Windward Isles and Jamaica, cost up to 25 per cent more than in Germany, which allows free access to the cheaper Latin American fruit.

The uncovering of the alleged fraud comes as the EC is struggling to agree on uniform import arrangements for bananas in time for the start of the single market on January 1, when dollar bananas will be able to flow freely across the Community.





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## Upstaged opposition leaders struggle to make their mark on the political debate



Ashdown: keeping the Bosnian issue alive

James Carville, the campaign wizard of the Clinton team, put up a sign in his Little Rock headquarters which declared bluntly "the economy stupid". That theme, the sign implied, ought to be repeated again and again. But what should John Smith and Paddy Ashdown now be seeking to highlight?

Opposition leaders have few opportunities to affect the direction of the political debate. In general, the government sets the agenda through its actions and legislation. Shadow spokesmen mainly have to react, receiving much less media attention than ministers, unless it is just before an election and their party is well placed in the polls.

Prime minister's questions pro-

## HIDDEN ON POLITICS

vides one of the rare opportunities for the Opposition to take the headlines away from John Major. A pointed question which puts Mr Major on the defensive is likely to get on the evening news bulletins. The parties' press advisers measure the impact of their leaders by the number of televised sound bites they can achieve.

In the 14 prime minister's questions since Parliament returned in mid-October, Mr Smith, or Margaret Beckett, his deputy, have raised the economy, unemployment or the related issue of wages councils six times, Iraqi arms sales

three times, and other matters (the coal industry dispute, Europe, the league table of exam results, council tax and the Queen's taxes) once each.

At times, some journalists have thought that Mr Smith has missed the issue of the day in the Commons, but his judgment has coincided with that of television news editors and he has had a high strike rate of getting on the early evening bulletins at least.

Over the period, Labour has had three opposition days when it has had the chance to pick the topic for debate, choosing pit closures, Iraqi arms sales and, for today, unemployment.

The Labour assessment ties in with public concerns indicated by

opinion polls. The latest Market and Opinion Research International poll for *Times Newspapers* shows that, in answer to a question about the most important issues facing Britain now, unemployment is mentioned by 71 per cent, followed by the economy/the economic situation (47 per cent), the health service (27 per cent), the European Community (19 per cent), education (16 per cent) and housing (15 per cent).

Mr Ashdown has a more difficult task. He only has the opportunity to ask one question rather than the three interventions permitted to Mr Smith as leader of the Opposition. The Liberal Democrat leader has intervened nine

times during prime minister's questions. Three of these questions have been about the plight of Bosnian refugees, especially those held in Serbian prison compounds. He will be visiting Bosnia again this weekend.

The Liberal Democrats used half of their only opposition day this autumn to raise the problems of the former Yugoslavia. Mr Ashdown has also raised Europe twice: the economy, Iraqi arms, the council tax and the coal dispute once.

If anyone has been responsible for keeping the Bosnian issue in front of the Commons, it is Mr Ashdown, even though his proposal for the limited use of force, if necessary, to contain the conflict

has so far attracted only limited support either in the Commons or more widely. Mr Smith has not raised the issue during prime minister's questions, though Tony Blair, Labour's shadow home secretary, did put down a private notice question on Bosnian refugees.

At this stage of a parliament, there is little that opposition parties can do except sort out their internal affairs and try to avoid being ignored by the media. In part reflecting their personalities, Mr Smith has been sticking to the mainstream of the political debate while Mr Ashdown has been striking out in less predictable directions.

PETER RIDDELL

## MPs offered private talks with MI5 chief in security enquiry

By JONATHAN PRYNN AND JOHN LEWIS

AN ALL-party committee of MPs is to question Stella Rimington, the head of MI5, over lunch, after she was instructed not to appear before a formal session of the committee.

The home affairs select committee, which yesterday questioned Kenneth Clarke, the home secretary, on the security services, is planning to draw up a report on parliamentary scrutiny of MI5 and MI6, to be published in mid-January.

The committee had invited Mrs Rimington to give evidence, but she declined on the advice of Mr Clarke. However, Mr Clarke has agreed that members of the committee, which is chaired by Sir Ivan Lawrence, can meet Mrs Rimington for informal talks, and a lunch appointment at her MI5 offices is to be set for early in the new year.

The discussions are unlikely to have any significant influence on the committee's findings, which may recommend the appointment of a special select committee to cover MI5,

MI6 and the defence intelligence services. MPs are hoping to influence John Major, who has promised legislation to put the intelligence services on a statutory basis. They are also concerned that MI5's new leading role in the fight against terrorism will lead to an erosion of the committee's power of scrutiny of crime-fighting operations.

Mr Clarke was repeatedly pressed by committee members on parliamentary accountability of the security services. He said he took the view that the security services should not be accountable to a select committee for its operations because of the danger of undermining its effectiveness.

He rejected the committee's argument that it is possible to make a distinction between matters of policy, which could be safely examined by the committee, and operational matters, which clearly had to be kept confidential.

Chris Mullin, the Labour MP for Sunderland South, said leaks to the press were the

only way Parliament was kept informed of the activities of the security services.

Apart from the option of appointing an entirely new select committee looking at spending, administration and policy of all the intelligence services, the home affairs committee is considering other recommendations, including:

□ Sharing responsibility between the home affairs select committee (responsible for MI5), the foreign affairs select committee (MI6) and the defence select committee (defence intelligence).

□ Appointing a hybrid committee including, perhaps, a judge and privy counsellors.

□ Forming a committee of both MPs and peers.

MPs argue that there is no reason why a specifically appointed committee should not be able to scrutinise the three services.

One change that would probably be required would be to end the right of all MPs to attend any committee. The defence select committee has overcome the problem of uninvited MPs by adjourning meetings, but it is thought that an intelligence select committee would need special powers to meet in total privacy.

□ The home secretary has warned the police "trade unions" that they should not fall into the trap of blaming all their problems on lack of resources. Mr Clarke, who has taken an unusually hard line with the police on several policy areas, told the home affairs select committee yesterday that all public services had a habit of responding to criticism by citing lack of money and manpower.

Giving credence to that explanation meant "avoiding ever facing up to imposing effectiveness and efficiency on those services," he said. Spending on the police had increased by 80 per cent in real terms since 1979.

Mr Clarke also described reported crime statistics as "almost useless" without factors such as changes to police recording practices being taken into account.

Mr Clarke also described reported crime statistics as "almost useless" without factors such as changes to police recording practices being taken into account.

Mr Clarke said that, after some "hiding up", he had been assured by the Commons clerk that his referendum amendment to the Maastricht bill was in order. The bill does not allow for the spending of public money. Labour leaders are opposed to a referendum on Maastricht.

Parliamentarians opposed to the treaty from Britain and elsewhere in the EC will gather in Edinburgh on the opening day of the EC summit to press their case for it to be ditched.

Leading article, page 15



Clarke: told MI5 chief not to give evidence



Cover charge: Sir Ivan Lawrence who, with members of his committee, will be lunching with the head of MI5

## Farmers' fears allayed

By MICHAEL HORNSBY  
AGRICULTURE  
CORRESPONDENT

FARMERS should not suffer any further loss of income or production under a new world trade settlement, John Major said yesterday.

At a 45-minute meeting in Downing Street David Naisb, president of the National Farmers' Union, handed Mr Major a letter calling for guarantees that British farmers would not have to take more arable land out of production than was envisaged in the reform of the European Community's common agricultural policy. "It would be intolerable if the set-aside programme had to be stepped up. The NFU is seeking assurances from you that this will not be the case," the letter said. "More unused countryside would itself be unacceptable and the current scheme discriminates heavily against British producers."

France is threatening to veto a liberalisation of world trade under the General Agreement on Tariffs and Trade if the final settlement includes cuts in farm subsidies agreed in Washington last month by EC and American negotiators. Belgium, Italy, Spain and Ireland have all expressed varying degrees of support for France.

French and Belgian farmers have taken to the streets in violent protest. NFU leaders have dissociated themselves from such tactics, but they share some of the concern and are under pressure from their members to take a more militant stance. They fear that if the European Commission's calculations are wrong, British farmers would suffer disproportionately.

## Committee likely to back pits

By JILL SHERMAN  
POLITICAL CORRESPONDENT

THE trade and industry select committee is expected to recommend that a significant number of the 31 coal pits earmarked for closure should be reopened.

The all-party committee, which launched its own enquiry into the 31 pit closures, announced in October, has nearly finished taking evidence and will draw up a draft

report over Christmas. The final report will be published in mid-January, but it is believed that many members have been persuaded by the evidence so far that more than half the pits would be viable. These include some of the ten pits which the government refused to put into its review and which are now due to close at the end of January.

Meanwhile, the Liberal Democrats launched their own energy strategy, arguing

that at least 60 million tonnes of coal a year should be produced for the foreseeable future, with a one-off deal to end stockpiling at the pit-head. Malcolm Bruce, Liberal Democrat trade and industry spokesman, who is on the trade and industry committee, said that more than half the 31 pits should stay open over the next five years. The Lib Dem strategy includes a halt to the coal privatisation programme.

## Euro-sceptics plan new wrecking move

By NICHOLAS WOOD, POLITICAL CORRESPONDENT

MINISTERS were last night facing a new obstacle in their efforts to push the Maastricht treaty bill through the Commons after Tory Euro-sceptics indicated that they plan to extend their wrecking tactics to a second piece of European legislation.

MPs opposed to the treaty said that they had found a way of forcing a Commons vote on a referendum, and disclosed plans for an "alternative summit" in Edinburgh.

The Swiss referendum rejecting closer ties with the EC has turned the parliamentary spotlight on to the European Economic Area bill, which is expected to come before the Commons in the new year. The little-noticed bill amends UK law by extending the Community's single market to the seven EFTA countries to create a free-trade area of 370 million people and 19 countries. It was this proposal, seen as a stepping stone to full EC membership by several of the EFTA countries, that was turned down by Swiss voters on Sunday.

The European Economic Area bill has cleared its Lords stages and awaits its second reading in the Commons. Anti-Maastricht Tories indicated that they intended to use it to open a new line of attack in their guerrilla war with the government whips.

The government's parlia-

mentary timetable could become clogged in the new year with two pieces of European legislation grinding their way through the Commons. Tories are likely to become even more frayed as loyalist Tories face the prospect of yet more late-night sittings, Euro-sceptic ambushes and filibustering. Badly judged delaying tactics could backfire on the anti-Maastricht lobby.

William Cash, one of the leading Conservative critics of Maastricht, said yesterday that he had just stumbled across the EEA bill and that he expected it to be drawn into the Maastricht crossfire. "I am very much in favour of enlargement but not within the framework of Maastricht itself, because Maastricht is centralising," he said.

Mr Cash said that, after some "hiding up", he had been assured by the Commons clerk that his referendum amendment to the Maastricht bill was in order. The bill does not allow for the spending of public money. Labour leaders are opposed to a referendum on Maastricht.

Parliamentarians opposed to the treaty from Britain and elsewhere in the EC will gather in Edinburgh on the opening day of the EC summit to press their case for it to be ditched.

## Labour launches radical welfare review

By JILL SHERMAN, POLITICAL CORRESPONDENT

SCRAPPING child benefit and mortgage tax relief is to be considered by the Labour party's commission of social justice as part of a radical review of welfare benefits.

The commission, to be chaired by Sir Gordon Borrie, former director general of the Office of Fair Trading, will be looking at ways to redistribute money to the poor without losing "Middle England" voters. It will examine whether child benefit should be kept as a universal payment or means tested as part of an integration of tax and benefits.

Although Labour has effectively torn up the shadow budget on which it fought — and some say lost — the general election, John Smith is still committed to redistributive taxation. His prob-

lem now is to persuade the better-off to do a bit more to help those on very low incomes, without losing their support. Despite pledges to raise child benefit at the last election, there is a growing feeling in the party that it is an outdated payment which costs too much to uprate.

One option is taxing child benefit at the higher threshold and using the income to target poorer groups. Other MPs support a benefit for the under-fives which could be used for child support. There is a strong body of resistance to further means testing of benefits, due to the poverty stigma attached.

The Labour party has been a bit slow off the mark at getting the commission up and running, partly because it had difficulty finding a

chairman and partly because it does not want the answers too soon. John Smith, who dreamt up the idea during his Labour leadership campaign, has made it clear that he wants to wait until much nearer the next general election before committing the party to new pledges. The commission is not expected to report for two years.

Sir Gordon and his team will also look at the advantages of scrapping national insurance contributions or setting up a hypothecated tax for welfare benefits. In addition it will review the need for tax allowances such as mortgage relief and private pensions.

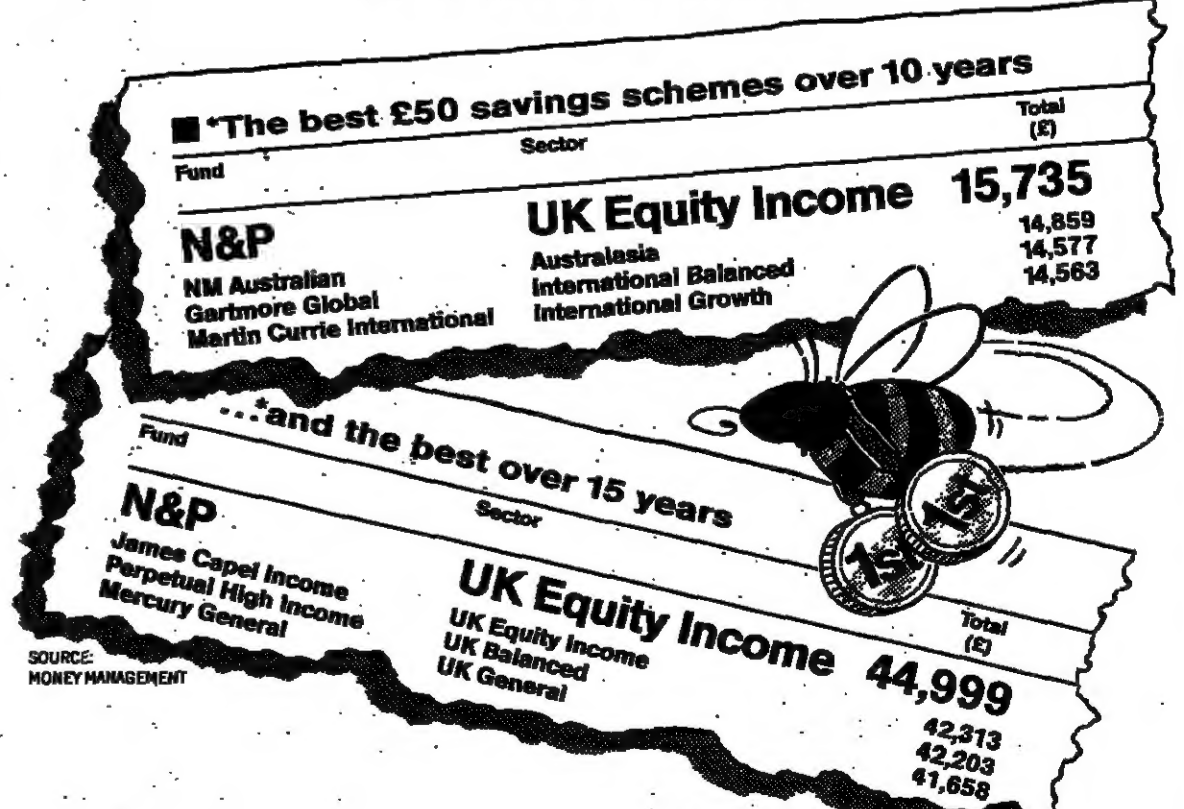
Sir Gordon, a QC, has a long track record of working on social issues, having served as OFT director-gen-

eral for 16 years. Although he contested two parliamentary seats for Labour in the 1950s, he is seen as an independent chairman and is expected to command widespread respect.

Donald Dewar, the shadow social security spokesman, said yesterday that the commission would be looking why the system was not meeting the Beveridge ideal. "We want to focus public attention on the underclass — the needy, the educationally deprived, those on low pay and those housed inadequately," he said.

Mr Dewar has upset some of his parliamentary colleagues by failing to include any of them on the commission. He is adamant that the committee should be seen to be independent.

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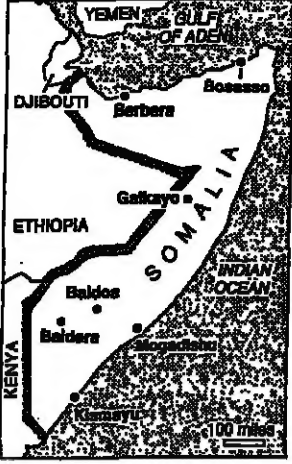
Countdown to dawn troop landings

# Somali fight over food store leaves 50 dead

FROM SAM KILEY  
IN BALDOA

FIERCE fighting erupted in Baldoa in central southern Somalia yesterday when rival factions of the Raha Weyn clan struggled for control of a Red Cross food store. The Irish aid agency, Goal, evacuated its staff.

After sending half of its staff out of the country with a large number of other charities working in Baldoa last week, Goal sent its remaining two nurses, a doctor and an administrator to safety in Mombasa, Kenya, yesterday afternoon. The evacuation came after at least 50 people, about half of them civilians, were killed and 50 wounded in fighting in the crowded market place between Raha Weyn clan members, who style themselves as members of the Somali Democratic Movement. Members of the Somali Liberation Army, a nominal coalition of factions which includes the Democratic Movement, stopped the fighting by opening fire on the



belligerents with a 50mm anti-aircraft cannon.

Aid agencies have scaled down their operations, feeding at least 60,000 people in Baldoa and surrounding villages, to a skeleton staff after a week of violence. Just 37 foreigners remain in the town, the capital of the Bay region. The dying continues at a rate of 40 people a day. "We are very sad to be going and will

come back as soon as it is secure... We hope desperately that the Americans will come as soon as possible," said Helen Fitzgerald, a nurse.

The Australian branch of Care has suffered worst at the hands of looters, who in the past ten days have tried to stockpile food and money before the American troops arrive. Care has four people left in Baldoa to handle more than 100 tons of food arriving from Mombasa every day and dare not evacuate its remaining people for fear they would be shot on their way to the airstrip. "We couldn't leave even if we wanted to. They would kill us," said Lockton Morrissey, director of the Care operation in Baldoa.

Sources said last night that American troops, after taking advice from aid organisations working throughout the blighted south and central parts of Somalia, where thousands have starved to death because of the two-year civil war and ensuing anarchy, that American troops would land in Mogadishu, the capital,



Helping hand: a Somali gunman unloads supplies for the US embassy in Mogadishu from a transport plane on to his armed vehicle

and Baldoa simultaneously, possibly at dawn on Wednesday, and swiftly move into more remote towns and villages, such as Wajid, north of Baldoa, and Dinsor, to the south. They were also expected to land in Belet Huen, capital of the Hirran region in central

Somalia. Over the past two days American Hercules transport planes flew at least a dozen runs over Wajid and Hoddur.

Kenya and Ethiopia yesterday closed their borders with Somalia, and four Italian warships joined the growing

flotilla, which also includes French and American ships, off the coast of Mogadishu.

The most dangerous part of Operation Restore Hope for the Americans would be Baldera, a large town on the banks of the Juba river in southwest Somali, about 95

miles east of the Kenyan border, where heavy fighting between the rival warlords General Muhammad Farrah Aidid and General Muhammad Hersi Morgan was reported yesterday. Incoming troops would have to use helicopters as heavy rain has

flooded the airstrip. The road between Baldoa and Baldera was last night made impassable by a tropical storm. The poor weather could be the most difficult part of the operation for the Americans but the troops are not expected to meet much resistance.

## GLENMORANGIE

SINGLE HIGHLAND MALT SCOTCH WHISKY

GEORGE MACKENZIE Mashman.

IT WAS CHRISTMAS EVE and the annual Glenmorangie party was in full swing. Somewhere a door opened. A sudden waft of icy Firthside air provoked a flurry of goosepimples. And a briskly pedalling figure disappeared into the mist outside. "Who was that?" asked a visitor. "Oh, only George Mackenzie. He's away up to the mash-house to tend the mash."

Even those who do not work at the distillery know of George's dedication to the mash. Ask him why on Christmas Eve, Burns' Night, even Hogmanay he will give up all to be with his charge, and he will reply: "Time and the mash wait for no man."



HANDCRAFTED by the SIXTEEN MEN OF TAIN

## US missile plan makes progress

BY MICHAEL EVANS  
DEFENCE CORRESPONDENT

RUSSIA is showing great interest in developing with the Americans a global protection system against ballistic missiles. Henry Cooper, director of the US strategic defence initiative research programme, known as "Star Wars", said yesterday.

Mr Cooper, who will leave his job once the Clinton administration takes over, is among a number of American officials who have met the Russians to discuss missile defence in recent months. Bill Clinton has made only brief references to the American research programme, but has indicated support for a medium-range missile defence system to counter the threat posed by countries acquiring ballistic missiles.

After talks at the Ministry of Defence in London, Mr Cooper said the Russians were talking seriously about the need for global protection against the missile threat. Should a joint system be deployed, Mr Cooper said, he envisaged the Americans and Russians sharing command and control, with the possibility of Russian anti-ballistic missile systems being used in a regional conflict.

This would not, however, undermine the role of America and its Nato allies in protecting themselves against the potential threat still posed by ballistic missiles in Russia, Ukraine and Kazakhstan. Mr Cooper said: "I don't want to write off that threat. Their missiles are still targeted on us," he said.

Mr Cooper said the Russian missile defence system could also protect Moscow from an attack by their own closest neighbours, such as Ukraine.

## Colorado's gay ruling challenged

FROM BEN MACINTYRE  
IN NEW YORK

COLORADO'S tourist business is facing a grim winter season after the state voted to repeal laws guaranteeing equal rights to homosexuals. The amendment, which also banned equal rights legislation for homosexuals in the future, was passed early last month by a narrow margin and has provoked the anger of many who saw it as a direct attack on the gay community in the United States.

A group of protesters led by Martina Navratilova, the lesbian tennis champion, and backed by the American Civil Liberties Union, has filed a federal lawsuit challenging the legality of the amendment. The state has already lost at least \$10 million (\$5.6 million) in anticipated revenue due to cancelled conventions.

While many people in Hollywood talked vaguely of boycotting the state, Barbra Streisand, the actress, delivered a speech at an AIDS benefit in Los Angeles almost two weeks ago denouncing the "vote for hate" in Colorado. "There are plenty of us who love the mountains and rivers of that beautiful state," Streisand said, "but we must now say clearly that the moral climate there is no longer acceptable and... we must refuse to play where they discriminate."

That, for many celebrities, was just going too far. Many prominent individuals in the entertainment industry keep winter homes in Aspen. But momentum behind a boycott is growing. The Boycott Colorado organisation reports receiving more than 200 calls daily from businesses and tourists keen to withdraw investment or services from the state.

## Hersh alleges new Nixon conspiracy

FROM BEN MACINTYRE IN NEW YORK

SECRET White House tapes have revealed that in 1972 Richard Nixon, then US president, conspired to plant the campaign literature of his Democratic presidential rival in the flat of the man who tried to assassinate George Wallace, an article in the New Yorker says.

The article, by Pulitzer Prize-winning journalist Seymour Hersh, is based on secret tapes that have not yet been approved for release by the National Archives. Hersh alleges that just hours after Mr Wallace, the independent candidate, was shot and crippled for life by Arthur Bremer on May 15, 1972, Mr Nixon and a top aide sent a political agent to place literature relating to George McGovern, his Democratic rival, in Bremer's Milwaukee flat to implicate the Democrats.

The plot was allegedly foiled because the FBI had sealed off the flat by the time Howard Hunt, the agent who was also a key figure in the Watergate break-in, arrived. Hersh

writes that at the time Mr Nixon criticised Charles Colson, his co-conspirator and special counsel, for not slowing down the FBI.

Mr Nixon has so far refused to comment on the new allegations, but one of his lawyers, Herbert Miller, said it was "outrageous" to report on secret papers that are still subject to litigation. "Hersh has obviously written this article based on what he heard from disgruntled archivists," he told The New York Times.

In the article Hersh says that Mr Colson confirmed the existence of a plot, and admitted that the tapes revealed "the black sides of our nature. It was both of us". More than 4,000 hours of conversations, secretly taped in the Nixon White House, are the subject of a legal battle involving the National Archives, journalists and the former president. "Nixon is winning one of the most significant battles of his life after Watergate: keeping quiet the full story of what happened in his White House," writes Mr Hersh.

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## Muslim world seethes over India mosque destruction

By Christopher Thomas in Lucknow  
And Our Foreign Staff

THE destruction of the 16th-century Ayodhya mosque has sent a wave of anger round the Muslim world, triggering riots, widespread destruction and threats to Indian businesses and property, particularly from India's Muslim neighbours.

Many countries appealed for calm and restraint and called on India to protect its 100 million Muslims. In India itself Muslims are seeking safety in silence. They are in a minority almost everywhere and it would be suicidal to fight back.

Hindus burnt Muslim homes in northern states and attacked Muslim quarters in Delhi, Bhopal, Jaipur, Bombay and other cities yesterday. Violence has been on a comparatively small scale because there has not been time to orchestrate it. Riots in India are the work of politicians vying to demonstrate power: rarely are they spontaneous.

Syed Abdullah Bukhari, the imam of the Jama Masjid mosque in Delhi, said of the destruction of the Ayodhya mosque: "It is a tragedy. Our hearts are broken." He avoided any harsh condemnation.

In the Muslim quarters of Lucknow, capital of Uttar Pradesh, the state where Ayodhya is located, troops guarded empty streets yesterday. A 24-hour curfew was aimed not at preventing a Muslim backlash, because there will not be one of any significance, but at stopping Hindus causing trouble.

In Dhaka, one person was killed and 100 injured as thousands of protesters filled the streets of the Bangladeshi capital yesterday shouting *Allahu Akbar* (God is great) and denouncing India. The victim was shot dead by police in front of the city's main

mosque as the protesters attacked shops and government buildings. They also fired tear gas at 5,000 radicals who threatened to storm the Indian high commission building in west Dhaka.

Communal disturbances broke out in Bangladesh's southern port cities of Chittagong and Khulna where there are large Hindu communities. Temples were attacked and Hindu businesses ransacked.

Pakistan reacted strongly to the destruction of the mosque and called for a countrywide strike today. Mian Nawaz Sharif, the prime minister, expressed deep anguish over the attack and called on Pakistanis to register their protest by closing all businesses and holding rallies.

The Islamic Conference Organisation, representing one billion Muslims, called the action in Ayodhya barbaric and accused the Indian government of succumbing to Hindu fundamentalists. Ayatollah Ali Khamenei, Iran's supreme leader, yesterday denounced the attack as an insult and said Muslims should not tolerate such desecration. Rather than calling for revenge or independent action by India's Muslims, however, he urged the Indian government to act to uphold Muslim rights.

Hundreds of Pakistani and Indian Muslims closed their shops in the United Arab Emirates. Shops were also closed in Dubai's bustling souks. Riot police dispersed crowds, a rare scene in the Gulf emirate where commercial concerns tend to be paramount.

200 killed, page 1  
Conor Cruise O'Brien, page 14  
Leading article, page 15



## Beauty wins contest of Venezuela polls

FROM REUTER IN CARACAS

Irene Saez, who won the Miss Universe title in 1981, has swapped her title for that of mayor of Venezuela's richest municipality.

Señora Saez, 30, whose past made her the most publicised of the 200,000 candidates in the country's state and municipal elections, defeated two contenders for the newly created Chacao district of eastern Caracas, the local television network said.

President Pérez, who last month survived a second bloody coup attempt this year, received another blow yesterday when early projections showed voters had spurned his party in the elections. Two television stations predicted that President Pérez's Acción Democrática party had won between six and eight of 22 gubernatorial seats in the polls, against 11 for the Copei opposition party.

Señora Saez was backed by both Acción Democrática and Copei for leadership of the district of about 150,000 people. In a recent interview she said she was attracted to politics by the failed coup attempt on February 4, which she described as a wake-up call to defend democracy.

"I will not defraud the confidence you have placed in me," she said. "In addition to a mayor you will always have a friend in me, a person who will always fight for her people." It was

not clear what percentage of the vote she had won.

Last month's second coup attempt gave new importance to the local elections, which were seen as a test of support of Venezuela's 34-year-old democratic system. At least 170 people died, and about 1,300 members of the armed forces were arrested after rebel air force units and left-wingers seized two air bases and strafed the presidential palace on November 27.

A jubilant Eduardo Fernández, the Copei leader, told reporters after the elections: "A new political map exists in Venezuela. Copei has been converted into the leading political power."

Venezuela said Acción Democrática had won eight of 22 states while Televén said the ruling party had won no more than six.

The vote for 22 state governors, 282 mayors and 2,116 city council members reflects opinion polls indicating the governing party's unpopularity over perceptions of corruption and austerity policies squeezing the poor.

Acción Democrática still narrowly controls congress but the polls signal voters' intentions a year before planned presidential elections; the ruling party lost states that had been long-time strongholds.



Show of strength: Hindu fundamentalists walking along the perimeter wall of the proposed site of the Ram temple at Ayodhya on Sunday before militants stormed the 16th-century mosque located behind the trees

## Palestinians kill Israeli troops in anniversary raid

FROM REUTER IN GAZA

MUSLIM gunmen shot dead three Israeli soldiers in the occupied Gaza Strip yesterday to mark the fifth anniversary of the Palestinian revolt against Israeli rule.

The army said it was the highest number of Israeli soldiers killed in one attack by Palestinians since the uprising started. Three Palestinians in a white car sprayed the soldiers' vehicle with automatic gunfire before dawn and fled. Arab workers said the gunmen shouted "Allahu Akbar" (God is greater).

Hamas, the Islamic Resistance Movement, claimed responsibility for the attack near Beit Lahya in leaflets. The army said the soldiers, all reservists, were patrolling along a main road about 800 yards from the army's Nahal Oz roadblock at about 5.30am when they were ambushed.

Shimon Peres, the foreign minister, vowed that Israel would capture the assailants and bring them to trial. Ehud Barak, the army chief, said Israel expected Palestinian

groups opposed to peace to step up attacks, hoping to disrupt the 13-month-old Middle East peace talks resuming in Washington.

Palestinians, who launched the intifada with stone-throwing confrontations, have turned increasingly to guns. They have killed as many Israeli soldiers in the West Bank and Gaza Strip this year — 11 — as in all four previous years of the revolt, the army said. The number of Palestinians killed by Israeli troops has also risen sharply, with 17 Arabs killed by troops since the start of November.

Q. Cairo: Muayyad Hassan Naji, a senior Iraqi nuclear scientist, was shot dead with a silenced pistol as he was parking his car with his wife, two sons and daughter in the Jordanian capital (Christopher Walker writes). Security sources said that Naji, 52, an official with the Iraqi Atomic Energy Commission, was staying in Amman when four shots were fired by a lone gunman who drove off in an Iraqi-registered car.

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## Sarajevo supplies run low

FROM KURT SCHORK  
IN SARAJEVO

FIGHTING forced United Nations workers to keep Sarajevo airport closed to relief planes yesterday and struggle with other methods of distributing aid throughout Bosnia.

Heavy shelling and machinegun fire rattled through the city centre. At least one person was shot dead by snipers in the old part of the town.

"The airport is definitely a target," a spokeswoman for the United Nations High Commissioner for Refugees said. "The fighting now is some of the worst there has been."

Aid workers say the UNHCR warehouse in Sarajevo has only 150 tonnes of food left, and 200 tonnes is needed daily to feed the 380,000 civilians. UN officials in Geneva said mercy flights, halted last week, could not resume until tomorrow at the earliest. (Reuters)

## Military wrangles add to aid convoys' painful progress

BY MICHAEL EVANS,  
DEFENCE CORRESPONDENT  
AND ADAM LEBOR  
IN KISELEK

■ Commanders' disputes bear out local suspicions that national contingents have differing aims and prejudices

A UN convoy, escorted through Serbian lines by British armoured vehicles, arrived safely yesterday in the northern Bosnian town of Tuzla after 50 British soldiers had to spend a freezing night in their Warriors and Scimitars.

The delay in delivering the aid had come after a misunderstanding between the British commander of the escorting vehicles and the Belgian commander of the food convoy. The Belgian had refused to go through Serbian lines into Bosnia until he was satisfied the route had been thoroughly reconnoitred.

In spite of insistence by the British commander, Major Alan Abraham of the 9th/12th Lancers, that his escort team had travelled the route safely to meet the Belgian UN convoy, the Belgian officer declined to make the trip at night.

The disagreement between the two officers has highlighted the sensitive nature of the command and control system agreed for the military escorts

of UN humanitarian relief convoys. The Belgian officer, Major Van Deputte, who has been in Bosnia since the end of October, was the convoy commander and therefore outranked Major Abraham, who was escort commander. He was within his rights to refuse to move across Serbian lines until he was satisfied about the route to Tuzla.



Stewart: command and control system flawed

However, the decision by the Belgian proved frustrating for the British who were convinced that the route was safe.

The British-Belgian contretemps was watched with interest by local Bosnians, who have long suspected that the blue berets of the UN forces conceal a range of different national views and strategies. The British, commanded by Lieutenant Colonel Bob Stewart, and the French are regarded as the most determined. Some Croat soldiers in Bosnia support the British armoured presence here while resenting the French UN contingent, on the grounds that the French are allegedly biased towards the Serbs.

In fact these accusations of bias are quite simply explained: French soldiers are based behind Serb lines in Bihac, northwest Bosnia where they are unlikely to find any Croat or Muslim officers to include in negotiations. There is also a belief among

Croat soldiers that British troops have been sent to draw attention away from Northern Ireland.

The Ukrainian UN contingent in Sarajevo has not been universally welcomed by local Muslims. Many believe that they are biased towards their fellow Orthodox Serbs. For some Croat soldiers the UN presence behind Serb lines and in the capital Belgrade marks all UN troops out as friends of the Serbs.

With the safety of land routes still uncertain, the UN yesterday sent its first relief train to the southern town of Mostar from the Adriatic port of Ploce. Meanwhile, Malcolm Rifkind, the defence secretary, arrived at Split last night to see British troops.

□ Ljubljana: Milan Kucan, Slovenia's popular former communist president, headed for certain victory in elections yesterday, while the ruling Liberal Democratic party seemed set to dominate parliament. With 78 per cent of ballots counted, the official election commission said Mr Kucan had 63.9 per cent of votes. (Reuters)

Letters, page 15



Arms and the men: British troops at the Vitez barracks in central Bosnia. Confusion over the chain of command has not been resolved

## Congress challenges Ukraine on Crimea

FROM ANNE McELVOY  
IN MOSCOW

RUSSIA'S Congress of People's Deputies yesterday criticised the pace of reforms in the army and called on the government to expedite talks with former Soviet republics on the rights of Russian troops stationed there and the timetable for withdrawal. The assembly also called on President Yeltsin to approve a budget and programme for military production and to increase funds to alleviate hardship within the armed forces.

Congress urged that the Black Sea fleet port at Sevastopol should be given special status, challenging Mr Yeltsin's accord with President Kravchuk giving Ukraine sovereignty over the Crimea. Nationalist deputies objected to Ukraine's right to the Crimean peninsula and questioned the legality of the 1964 decree handing sovereignty to Kiev.

The lengthy debate on the army, which was dominated by hardliners, meant a postponement of the vote on the future of Yegor Gaidar, the acting prime minister, whose survival is seen as essential to the continuation of radical reform. The Yeltsin camp has been holding talks with the centre-right Civic Union in an attempt to reach a deal on Mr Gaidar's appointment, possibly involving other cabinet changes. However, yesterday Viktor Gerashchenko, chairman of the Central Bank, said Mr Gaidar should "abandon his obsession with the present model of reform" if he hoped to gain support from moderate conservatives.

The government appeared to be split on what tactics to pursue should the opposition block Mr Gaidar's candidacy in the vote scheduled for today. Andrei Nechayev, the economics minister, disputed a spokesman's statement at the weekend that the government intended to resign if Mr Gaidar were ousted, but he said the threat "corresponds to the inclination of many inside the cabinet".

## Oil spreads along coast of Spain

La Coruña: Salvage teams watched helplessly as oil from the stricken tanker *Aegean Sea* spread along Spain's northwestern coast, smothering sea birds and contaminating fishing grounds.

Due to bad weather, divers have been unable to inspect the tanker, which ran aground here and broke in two last week. Experts think 13,000 tonnes of crude oil are still inside the ship. (Reuters)

## Patten blamed

Peking: China blamed Chris Patten, the Hong Kong governor, for last week's stock market crash. The *People's Daily* newspaper accused him of wrecking havoc in the colony in the four months since he took office.

## Defence deal

Tokyo: Japan has decided to buy from America four *Awacs* surveillance planes considered essential to improve the country's defence capability. The Japanese press estimates that the new generation *Awacs* will cost £287 million each. (AFP)

## Border to close

Sisya, Kenya: President Moi told a rally here that he would close Kenya's border with Uganda until after multiparty elections on December 29. He urged police to ensure that no "suspicious people" entered the country. (Reuters)

## Iraq celebrates

Baghdad: Iraq inaugurated its Saddam River irrigation project, a 350-mile waterway from Baghdad to Basra, at Yousfiya, south of the capital. Iraqis used the occasion to celebrate resistance to United Nations sanctions. (Reuters)

## Safe habitat

Peking: China is to launch a ten-year, £35 million project to build new habitats for the endangered giant panda. It will involve resettling about 5,000 farmers in Sichuan, Shaanxi and Gansu provinces. (Reuters)

## Deputies shun pleas from plotters' wives

BY ANNE McELVOY

THE handwriting varies from bold, furious strokes to the neat, cramped script of the craven petitioner but the pleas are the same. Seven wives of the Soviet coup plotters have turned to the Congress of People's Deputies begging for the release of their husbands, who have been awaiting trial for treason for more than a year.

The Russian government, fearful that a trial could embarrass some leading political figures, has not yet set a date and the men languish unheeded in the forbidding "Sailors' Silence" prison north of Moscow.

The lobby of the Kremlin Grand Palace, where the faithful communist supporters pin their letters, is one of the few public forums open to the apostates. "Our husbands are still in prison after 15 months and their health is

falling dramatically," writes the wife of Dmitri Yazov, the former defence minister.

Rosa Kryuchkov, married to Vladimir Kryuchkov, the former head of the KGB, is more robust in her appeal. "Their deeds came from their understanding of constitutional duty," she writes.

Gennadi Yanayev, vice-president at the time of the coup and head of the plotters' "emergency committee", justified the coup. In August 1991, in a letter to the hardline *Narodnaya Gazeta* last week, he said that Mikhail Gorbachev, the former president, was trying to break up the Soviet Union.

However, even at the conservative-dominated Congress, sympathy for the men is limited, less, one suspects, out of moral disapproval than because they were too drunk and inefficient to succeed.

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# British back Maastricht but clamour for referendum grows

By ROBERT WORCESTER

THE British public — or at least those with a view on the subject — would now vote to ratify the Maastricht treaty by a 55 per cent to 45 per cent margin if they could, according to the latest opinion poll by Gallup for BBC Regional Broadcasting. And although the government is set against any vote on the question, 75 per cent are in favour of a referendum. Only 16 per cent are opposed.

The government will be relieved to know that the pendulum has swung back to more in favour than against ratification, returning to the position last June before the currency upheavals in September that caused a violent swing in public opinion against the treaty.

The selling of Maastricht is, however, running at full tilt, and is being tracked by the Mori polls for Times News-

pers and *The European*, and the European Commission's regular opinion poll, the Eurobarometer, and now Gallup for the BBC. The Gallup poll, done among a sample of 7,067 electors interviewed between November 16 and 23, shows that still 38 per cent are undecided, but that 34 per cent are in favour and 28 per cent opposed. Of those who have a view, 55 per cent favour ratification and 45 per cent are against.

A month earlier, the EC's Eurobarometer showed nearly six in ten opposed to ratification, but on a differently worded question. Gallup asked: "Do you think the UK parliament should approve the Maastricht bill next year or not?" Some of the 14 per cent swing towards the treaty may be due to this wording.

The last fieldwork was done before the Swiss referendum



on Sunday, which narrowly rejected Swiss integration with the EC. Eighteen of Switzerland's 26 cantons voted "No" on a record 80 per cent turnout, yet the individual vote went narrowly against — 49.7 in favour, 50.3 per cent opposed.

With the EC summit opening in Edinburgh on Thursday, EC leaders will be disappointed in the results of a Mori survey for *The Sunday*

*Times* in Scotland, published last Sunday, which showed that only 9 per cent of Scots felt they knew even a fair amount about the treaty, that 69 per cent of Scots said they believe that the government should hold a referendum, and that if the more than half — 58 per cent — of Scots who are undecided on the issue are ignored, the remainder are divided with 21 per cent for and 21 per cent against.

If those responsible for selling the treaty had paid close attention to earlier Eurobarometer signals, the last place (save Britain) to have held an early referendum would have been Denmark. For years the twice-yearly Eurobarometer has measured the lukewarm support for the Community among the Danes and the British, while registering strong support in, among others, Italy, Ireland and in the newest members, Spain, Portugal and Greece.

The Eurobarometer registered a drop in support for ratification of the treaty in Italy and Spain, both countries experiencing exchange rate problems just before the fieldwork was carried out.

Remarkably, Denmark bucked the trend in the Eurobarometer survey, with increased support for Western unification (+4 per cent), Community membership (+11), perceived benefits of membership (+6) and feeling sorry if the Community were to be scrapped (+11). That said, the Danes, next to the British, are still the reluctant Europeans. If a second referendum had been held at the time of the fieldwork in Denmark, 53 per cent said they still would have voted "No".

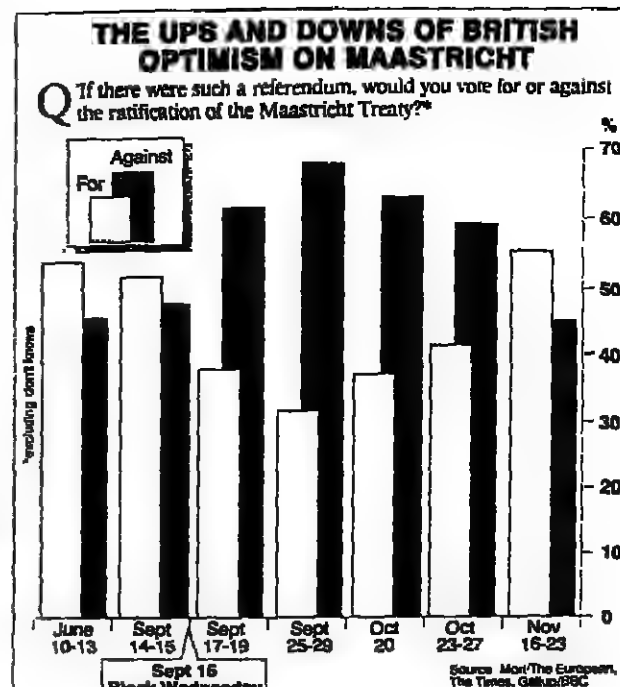
The Italians, the Belgians and the Dutch are the most favourable to the treaty, with the British the most reluctant (62 per cent opposed) with the Danes the only others who

are, on balance, more opposed than favourable. In Britain, there are more who say they would be relieved (28 per cent) than say they would be sorry (25 per cent) if the EC were scrapped, while 41 per cent describe themselves as indifferent one way or the other.

The levels of the undecideds are still large. Only in Denmark (41 per cent) and in Ireland (31 per cent) do more than three in ten citizens say they know much about Maastricht, both countries having held referendums on the issue.

Roughly equal numbers of former East and West Germans hold similar views about the Community on most questions, with the easterners coming in line with westerners after having been more enthusiastic in earlier surveys.

Robert Worcester is chairman of Mori and is visiting professor of government at the London School of Economics and Political Science.



## Dispute over EC budget mars Major's 'offensive'

By PHILIP WEBSTER AND EDWARD GORMAN

JOHN Major's difficulties over reaching a deal on future financing of the European Community at this week's Edinburgh summit were underlined yesterday as he completed his "charm offensive" tour of Community capitals.

The prime minister visited The Hague and Dublin, seeking to build agreement round his compromise plan to increase Community spending to £60.5 billion by 1999, £5 billion lower than the figure originally proposed by Jacques Delors, the president of the European Commission. Rudi Lubbers, the Dutch prime minister, told Mr Major his plan was too generous. However, Albert Reynolds, the Irish prime minister, said the proposal was unacceptable because it implied a £2 billion cut in Ireland's allocation from the cohesion and structural funds of the EC. British officials spoke last night of the sides in the finance dispute being "a long way apart".

Mr Major said he was disappointed over the Swiss vote against further integra-

tion into Europe, but was not surprised by it in view of the canton-by-canton voting system. He said that while the other nations of the European Free Trade Association would now be worried about the Swiss vote, he was sure they would press on with forming a European free trade area.

As a new poll showed a big majority in Britain in favour of a referendum on Europe, Mr Major said Britain, unlike many European countries, had no "constitutional instinct" for a referendum and, in any case, the bill would be subject to close scrutiny in the House of Commons.

Mr Major, who arrived back in London last night, was pinning hopes on today's "conclave" of foreign ministers in Brussels making a breakthrough on the Danish question. Britain is preparing to warn its colleagues that a deal on financing and enlargement of the EC is just as important to European union as finding a deal that will enable Denmark to hold another referendum on the Maastricht treaty next year.

British officials, who appeared deliberately downbeat about the prospects of success this week, emphasised that the issues were interlocked. The Mediterranean countries are threatening to block enlargement unless they get a satisfactory deal on financing; the Danes are making plain that a start on enlargement will improve their chances of securing a "yes" vote next year.

Mr Major today emphasises in the American magazine *Newsweek* his commitment to a larger EC: "At the Edinburgh summit this week I hope the Community will agree to set enlargement in train. We can start talking seriously about a wider Europe with future members not only from our neighbours in western Europe but from the new democracies as well."

Yesterday British officials said that a solution to the problem over the Greek refusal to recognise the former Yugoslav republic of Macedonia under its present name was "looking impossible".

Referendum call, page 1  
Scotland aggrieved, page 12  
Leading article, page 15

## Gatt deal support crumbles

FROM GEORGE BROCK IN BRUSSELS

EUROPE'S solidarity on the farm trade deal struck between the European Community and America crumbled further last night as more governments threw their weight behind France's opposition.

Lauris Toernaes, the Danish farm minister, told journalists that he considered the accord only as "a proposal". He said any new General Agreement on Trade and Tariffs (GATT) deal incorporating the EC-US subsidy reduction accord was months away.

He gave a warning that the Danish presidency of the EC, which follows the British at the end of the year, will consider reforming the common agricultural policy (CAP) so that farmers receive greater compensation for lost exports.

"One of the things that will come up is the financial guidelines of the CAP," said Mr Toernaes. Ireland said it had "doubts" about the compatibility of the Washington agreement on farm subsidies, and Britain began to seem isolated in its support of the deal. Spain, Italy, Greece and Belgium have already expressed doubts about how compatible the agreement is with EC policy.

With only three days to go before the summit in Edinburgh, the EC faces a choice between a split over a new world trade treaty or buying its way out of trouble by mollifying farmers with higher payments. Farm subsidies already consume more than half of the Community's budget.

Today ministers debate the question of how to persuade Danish voters to reject the Maastricht treaty. Uffe Ellemann-Jensen, the Danish foreign minister, said the complex legal compromise suggested by Britain had not attracted the support of all the Danish political parties necessary to call a second referendum.



The chips are down: about 2,000 protesting potato growers and traders, hit by overproduction and falling prices, split more than 2,000 tonnes of the crop, brought on 700 tractors, in the streets of Bethune, northern France, yesterday. In Brussels, civil servants and journalists ducked for cover as young farmers pelted with cans and firecrackers the entrance to

the Charlemagne building, where the European Community Council of Ministers meets and where foreign and agriculture ministers were due to discuss the EC-US farm trade deal (Tom Walker writes).

A crowd of 400 angry men then charged down a side street and turned their anger on television crews caught between barbed wire

barricades erected by the police and a park. An ITN crew's camera equipment was wrecked. A freelance cameraman for the BBC was hit in the face and thrown into a bush, and the mob pulled off his shoes before retreating under water cannon fire from the police.

The crowd marched off towards the agriculture ministry. Two weeks

ago André Bourgeois, the agriculture minister, had all the windows of his house smashed; his office now seemed to face the same treatment.

Not all the demonstrators agreed with the violence. Matt O'Keefe, the president of the Irish Young Farmers, said: "It's essential that there should not be violence at these demonstrations. We're just begin-

ning to get public opinion on our side." His voice was drowned out as 75 tractors crawled down Rue de la Loi, the six-lane carriageway outside the Charlemagne. All five routes into the Belgian capital were reported blocked by 600 tractors. "Beats a normal ministers' meeting, doesn't it," joked a Belgian policeman with a riot shield, manning the barricades.

## Swiss 'no' will delay trade-zone pact

FROM GEORGE BROCK IN BRUSSELS

THE Swiss vote against joining a giant European single market may trigger off months of wrangling and is liable to frustrate Britain's desire to enlarge the European Community.

British officials acknowledged yesterday that the issue was "slipping down" the agenda of this week's Edinburgh summit. Signs emerged yesterday that although the EC and the European Free Trade Association (Efta) could easily adapt the proposed European Economic Area (EEA) to form a 19-state free trade zone, agreement may still now that fresh talks will be needed to write Switzerland — and most probably Liechtenstein — out of it.

In spite of Sunday's vote, the Swiss government hopes that

the economic shock of exclusion will force voters to reconsider their hostility to all forms of involvement with the Community. Swiss diplomats here confirmed that their government did not intend to withdraw an application for full EC membership, lodged earlier this year. Tristan Garel-Jones, junior minister at the Foreign Office, said that "the door remained" open to Switzerland's application.

Although most Efta governments have said confidently that they want to adapt and preserve the treaty to create EEA, EC diplomats here said that fresh negotiations might reopen difficult financial issues and delay the operation of the EEA until at least the middle of next year.

EC leaders who gather in

Edinburgh on Thursday now face a barely acknowledged crisis of confidence in the Community. Little agreement exists on bold Keynesian schemes for pump-priming their economies. Opening membership talks with Efta states might have sent an encouraging signal to the restive democracies of Eastern Europe.

But the fate of the EEA, enlargement and the Edinburgh agenda are all entangled. The EC's four poorest governments, Spain, Portugal, Greece and Ireland, have asked for large sums of money in the new EC budget, which John Major hopes to settle at Edinburgh. The seven Scandinavian and alpine Efta states were also persuaded to create a £1.6 billion fund for the four

weakest EC economies. With Switzerland dropping out, the EEA "cohesion" fund loses a third of its value. The Spanish government has already served notice that it expects the other Efta states to make up the difference.

Geneva German-speaking cantons led the way in rejecting membership of the EEA in Switzerland's national referendum at the weekend (Alan McGregor writes). It was also a case of the towns voting "yes" compared with a firm "no" in rural areas. The Italian-speaking Ticino area also joined the ranks of EEA opponents, fearing the results of the frontier being opened even wider to neighbouring Italy.

Free-trade delay, page 23

## Politicians predict asylum bill success

FROM ANATOL LIEVEN IN BONN

GERMAN political leaders were confident yesterday that the weekend compromise between the centre-right ruling coalition and the opposition Social Democrats on limiting the right of political asylum would stick, despite attacks from the left.

It remains unclear whether the move will stem the flow of foreigners seeking to enter Germany. Rudolf Seiters, the interior minister, said yesterday that two thirds of asylum-seekers would be affected, but many Germans fear that the country's prosperity will remain an irresistible attraction.

The Greens and left-wing Social Democrats have, as expected, reacted sharply to

the agreement. A Green spokesman said the change would have the same effect as "an order to shoot on the border", while the youth wing of the Social Democrats spoke of a "rotten compromise". Left-wing anger has been increased by the claims of the right-wing Christian Social Union, part of the ruling coalition, that the compromise fulfils their demands.

If, as seems probable, Social Democrat deputies now vote for the compromise proposals, a change to the asylum clause of the constitution will be assured of the two-thirds majority required in parliament.

The Social Democrats have preserved the right of individuals to plead for asylum before German courts. The number of people from the former Soviet Union and Eastern Europe who can enter by claiming to be ethnic Germans is to be limited to 200,000, and they will have to demonstrate some real German background.

Most important for the future is the vague promise that it will be easier for foreigners settled in Germany to gain citizenship. Germany has been treating its Turkish and other minorities like the temporary "guest-workers" they originally were.

However, the Social Democrats have agreed to a list of automatic exclusions of people from countries where no persecution is thought to exist. This will be used, for example, to exclude the huge number of Romanian gypsies who have been entering Germany — even though gypsies have good reason to fear persecution in Romania. It is unclear how much aid Germany will have to give to Poland and Czechoslovakia to persuade them to take back asylum-seekers who have crossed their territory.

## Fraud charges proliferate in top echelons of French politics

FROM CHARLES BREMNER IN PARIS

THE Socialist MP and former mayor of Angoulême opened his own restaurant this week. Nothing unusual, perhaps, except that Jean-Michel Boucheron's establishment is in Buenos Aires. The deputy, who still receives his salary, has no plans to answer a police invitation to return to France, which he left in February.

M Boucheron was in the Argentine capital when the Paris parliament stripped him of his immunity from prosecution last week. Pending against him are charges that he dipped heavily into the public bill during his 11 years as mayor.

Charges of fraud have long been to French politics what sex scandals are to British, and flight to South America is not novel. If he pines for his homeland, M Boucheron can

visit a famous countryman in neighbouring Uruguay. Jacques Médecin, the long-serving former mayor of Nice, lives in splendour there rather than returning to serve a one-year prison sentence passed in May for fraud.

On Saturday, the latest celebrity to be indicted was Charles Giscard d'Estaing, a financier and nephew of the former president. Not only has he been splattered on the usual political suspects, but it has reached the country's top television news presenter and a clutch of his fellow stars. Even the ailing Communist party has been accused of illicit profiteering from phoney funeral services.

The allegations of shady behaviour in high places has fuelled much black humour over the behaviour of the "political-media elite". Out-

side the sophisticated circle of France's highly centralised governing and chattering classes, the revelations are being viewed as another symptom of the crisis in society and French institutions.

The most far-reaching of the *affaires* is the saga of the Socialist finances, which has seen a provincial examining judge take on the highest reaches of President Mitterrand's party. Henri Emmanuelli, the parliamentary speaker, minister and former party treasurer, is awaiting trial, along with several other deputies. Renaud Van Rymbeke, the young judge, went to Switzerland last week to investigate allegations that Georgina Dufoux, a former Socialist health minister, had been involved in an illicit contract



Tapie: awaiting trial for fraud.

for medical equipment. Mme Dufoux, who is also facing possible trial over the scandal of HIV-contaminated blood, appeared on television brandishing a list of her worldly wealth to protest her innocence. Her chief civil servant was charged with corruption

last week. Yet another former Mitterrand official awaiting trial for personal fraud is Bernard Tapie, the mega-entrepreneur and French answer to Donald Trump, who served briefly as urban affairs minister last spring.

The opposition has little reason to gloat, however, since a few of its leading lights have not been spared. François Leotard, the former leader of the centrist Parti Republicain and one of the rising younger political stars known as "quadrans", is awaiting trial for alleged fraud in his home town of Frejus. He launched his re-election campaign on Friday.

The affair which has most intrigued the public has dragged in the media stars and cast a shadow over Michel Noir, the mayor of Lyon, a former Gaullist minister and another of the quadrans. At the centre is Pierre Botton,

a "jeune money-maker" (italic) of the 1980s, who managed M Noir's election campaign and married his daughter while making friends with news celebrities.

M Botton is now awaiting trial in a Lyon prison on charges of widespread fraud in the pharmacy chain he owns. The media have been kept busy with spectacular judicial leaks detailing his claims to have spent lavishly on travel and entertainment for Patrick Poivre d'Arvor, the television presenter and editor on TF1, the top network. Yves Mourouzi, another news star from the channel, and others.

M Mourouzi was questioned by the investigating judge in Lyon on Wednesday. M Poivre d'Arvor is due to be questioned this week. He insisted that his "friendship" with the businessman had produced no favours in return.



# Scotland the aggrieved

The Scots will make the most this week of the best opportunity for 400 years to make their voices heard. Alice Thomson reports

The illuminated Christmas greetings across Edinburgh's George Street proclaim: Frohliche Weihnachten, Boas Festas and Joyeux Noël. The pull-out sections in the Scottish press tell us there will be German poetry, Irish dancing and French and Scandinavian film seasons. The Royal Bank has issued a special £1 note bearing the European flag. Forty roads have been closed off and "Lux Europae", a sculpture show of "lightforms", flicker over the castle walls.

Welcome to Summit City and an orgy of performances. In Edinburgh this week there will be eight lectures, six rallies, four concerts, 15 conferences, ten exhibitions, an honorary degree ceremony for Jacques Delors at Edinburgh University and a "kirkling" service for the heads of state at St Giles. The Liberal Democrat group on the district council has pushed through a resolution obliging the Tory group to rename its committee chamber: "The Jacques Delors Room". Edinburgh schools are holding their own junior European conferences and even escort agencies are said to have drafted in new recruits.

Have the Scots gone mad? Why all this fuss for a European summit which will last a mere 48 hours at the Queen's Scottish palace of Holyrood House and which marks the end of a British presidency which has conspicuously failed in its initial aim to put Britain at the heart of Europe?

If the summit had been held in London, Pall Mall might have been washed down and the Beefeaters paraded, nothing more. But Lothian has not played host to an international concord since July 1560, when the Treaty of Edinburgh ended French domination of Scotland and paved the way for the

reign of Mary Queen of Scots. The Scots see the summit as their great opportunity to show that there is more to their capital than haggis, kilts, Aids and bagpipes. The heads of state might go waving past in their hermetically sealed cars but 3,000 international journalists will not be wanting to spend their entire time holed up in the Meadowbank sports complex. And if they do venture out they may notice that Edinburgh is an international centre for arts, banking and insurance as well as bars: that there is little of the English europhobia (the Scots receive about 25 per cent of the UK's allocation of EC grants); and that Scotland often has a different agenda from the rest of Britain.

While southerners are "fussing over a fire in an English castle", as one correspondent for *The Glasgow Herald* put it, Scots have other matters on their minds. The first point the Scots will be making concerns their destiny. On Saturday a large gathering will meet on a hillside overlooking Holyrood and march to demand a Scottish parliament. Waving banners proclaiming "Scotland in Europe" they will ask European leaders to recognise Scotland's right to have a legislature and will demand an end to 13 years of government by a minority party which has been rejected by the Scottish electorate in the past four elections.

They will ask Britain's partners to explain to the prime minister that subsidiarity begins at home and that the Scots should have the right to govern themselves, as far as possible — thus proving that they have no difficulty in combining significant devolution with committed federalism.

And if delegates miss that the Scottish Fishermen's Federation's mass demonstration might tweak their nostrils. The fishing fleet based at Aberdeen has been tied up for several weeks because its quotas have run out and the federation is organising a series of stunts to highlight its plight. There will be a march through the centre of Edinburgh where the federation will present the Secretary of State for Scotland with a box of fish. Another group of fishermen will give a noisy escort to the Royal Yacht Britannia and a skip of old log books will be burnt outside Tynecastle Park football stadium. Four thousand fishermen are expected and those from Shetland are hiring a plane for the trip. "If this embarrasses the government in front of other EC leaders so be it," says Trudy Johnston, assistant to the federation's chief executive. "This is a perfect opportunity to protest against the unfair Seafish (Conservation) Bill. UK legislation and EC rules are strangling the fishing industry. We want to make sure we get noticed."

The Scottish National Farmers Union has decided to keep a lower profile. "We're not going to do a 'Frenchie' on the government. There will be no rockers or barricades," says Tom Brady, the assistant chief executive. "But that doesn't mean we won't be keeping a close eye on the summit. Gait is going to affect the lives of all Scottish farmers and crofters."

The Keep our Scottish Battalions pressure group has bagged the best place to hold its demonstration — Princes Street gardens on Friday morning. "We've been accused of being unpatriotic for having an event like this at such an important time, but the Scottish battalions are the most patriotic people in Britain. We have just become desperate," Charlie Laidlaw, the organiser says. "If you look at the problems in Somalia and Yugoslavia it is obvious that the infantry in Britain can still play a vital role in peace keeping. We have had messages of support from people in France and the Highlands who remember what we did in the second world war. The politicians in London just don't understand."

And it is merely coincidence that Edinburgh University is holding a three-day poverty summit this weekend? The Labour party is fielding half a dozen of its MPs and MEPs. David Steel will represent the Liberal Democrats and Winnie Ewing the SNP, but Conservative politicians appear to have boycotted it. This has not deterred the organisers. They are hoping to issue a blue-print for fighting poverty and stimulating employment in the EC which they expect to spring on M Delors at the drinks party after he is given his honorary degree.

This is an opportune time to air some of the issues the EC is not addressing — the social issues," says Dr Ann Fink, one of the organisers. "The latest EC statistics show that Britain is one of the poorest countries in Europe, so Edinburgh is the perfect place to initiate the debate."

Even if delegates never leave their lairs they will not fail to notice the Scotch Whisky — On the Rocks campaign. Scotch sales in Britain are declining by 12 million bottles a year and employment in the industry has fallen by 40 per cent in the past decade. In an attempt to whet the delegates' appetites half a dozen miniature bottles are being delivered to each of them. "The EC excise rate agreement discriminates against Scotch whisky by insisting on minimum rates for spirits of 550

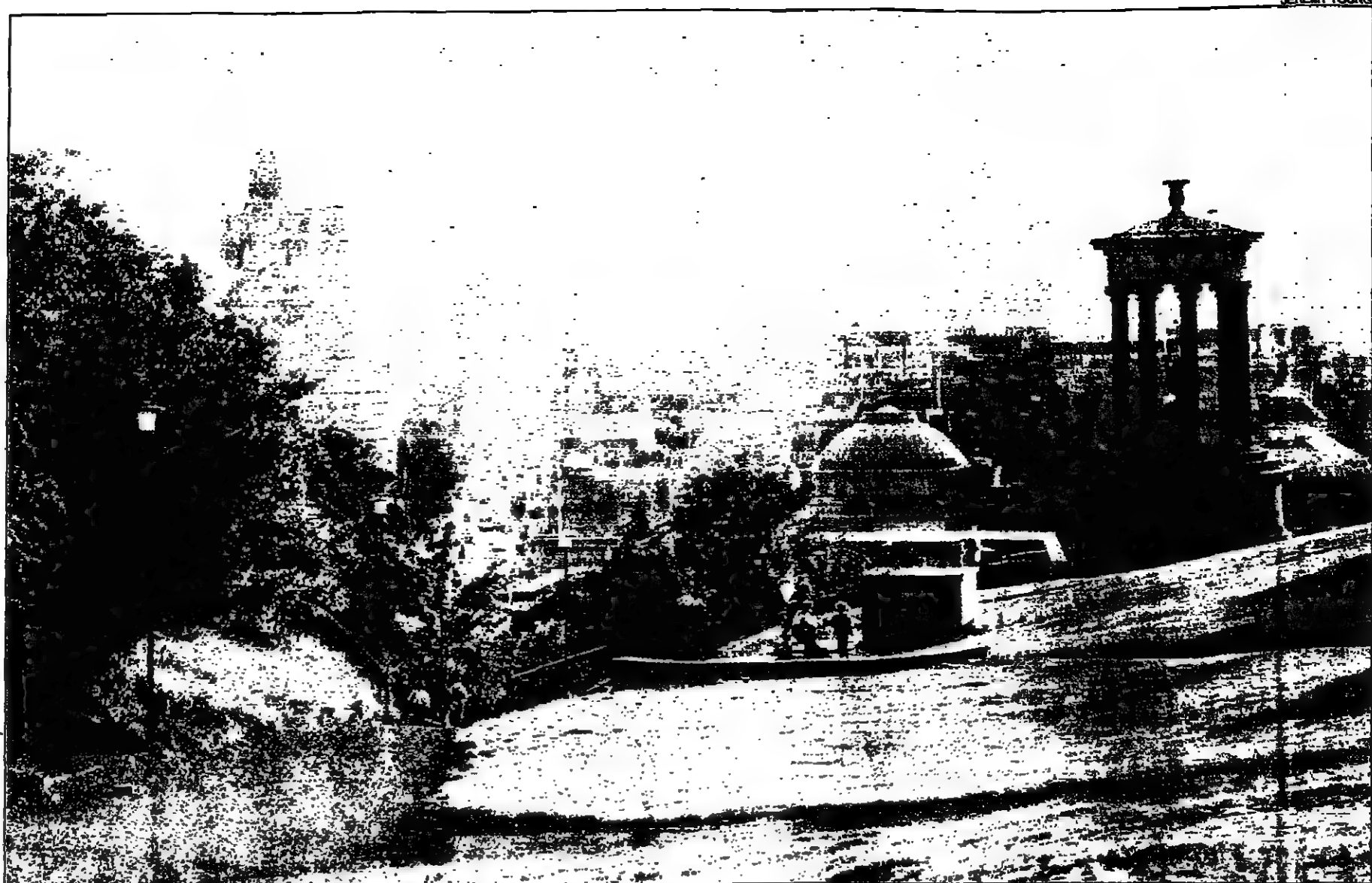
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Scotland Friends of the Earth have a longer shopping list. They are organising an alternative summit on "Our Future Environment", which Maneka Gandhi, the environmental campaigner, will address. "Scotland faces environmental pressures from tourism, water pollution and contaminated land. We want the EC to set standards and stick to them," says the director, Kevin Dunlop. "We tried to test air pollution in Edinburgh by sticking quality testing tubes on lamp-posts but the police mistook them for bugging devices and took them all down."

The Scots may be aggrieved but most of them would be prepared to point out to delegates the best place to do a little Christmas shopping. The EC Unwelcoming Committee is the exception. "It's your stomp, we won't pay" is the motto of a collection of groups which includes the Revolutionary Communist Party. The organiser, Kirsten Cale, says: "The Kohls and Majors of this world aren't working. We want a new mandate. There should be total abandonment of all immigration controls in fortress Europe and immigrants should not be made the scapegoats for other peoples' unemployment." The group has already wrapped Wellington's monument in barbed wire and is holding a torchlit procession on Friday which the police are making sure will go nowhere near the conference.

Edinburgh is already packed with Scots who have come to join in the festivities. The summit information office in Edinburgh has been inundated with requests for lists of events from foreign journalists and there is always the chance that a head-of-state might put his toe out of the castle and test the feelings of these European citizens.

**'We want to make sure that we get noticed'**



Summit city: Edinburgh sees the European summit as a great opportunity to show that there is more to the capital than haggis, kilts, Aids and bagpipes

based at Aberdeen has been tied up for several weeks because its quotas have run out and the federation is organising a series of stunts to highlight its plight. There will be a march through the centre of Edinburgh where the federation will present the Secretary of State for Scotland with a box of fish. Another group of fishermen will give a noisy escort to the Royal Yacht Britannia and a skip of old log books will be burnt outside Tynecastle Park football stadium. Four thousand fishermen are expected and those from Shetland are hiring a plane for the trip. "If this embarrasses the government in front of other EC leaders so be it," says Trudy Johnston, assistant to the federation's chief executive. "This is a perfect opportunity to protest against the unfair Seafish (Conservation) Bill. UK legislation and EC rules are strangling the fishing industry. We want to make sure we get noticed."

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## Graduates of the last chance saloon

Drink-driving offenders are to have the chance of voluntary rehabilitation — but does the cure work?

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Moment of truth: a police breath-test patrol in Sheffield

self-help groups, makes an appearance. "During the course each member is required to undergo publicly an offence examination relieving the drink-drive offence and their behaviour during the course of that day and the previous evening," Mr Cook has written.

Mostly the emphasis is on giving information — and attempting to dispel the many myths that circulate about drinking: "A pint of beer is equal in strength to a measure of spirit" (it's not — a half pint is closer in strength); "a cold shower or a night's sleep are enough to sober you up" (they're not — only time, and the action of the liver can do that); "I'm a better driver when I've had a few drinks"; "you can drink yourself sober"; and so on.

A further myth is that younger drivers tend to be more irresponsible. In fact, they are more responsible to advertising against drink-driving, possibly because they know that they

are more likely to be targeted by the police. It is often the middle-aged driver in his business suit and smart car who is most likely to offend.

Offenders watch a video in which a doctor tells them, "We abandoned resuscitation on this young man 20 minutes ago", as he pulls back a sheet to reveal the naked body of a 20-year-old drink-driver.

Mr Cook admits that until now it has been difficult to prove the course's effectiveness, partly because it is expensive to follow up "graduates" in a systematic way. One anomaly which may need to be addressed is the question of payment for the course. Local organisers are free to set fee levels within a recommended range of £50 to £200. But those on probation have until now been attending the course for nothing. The implication is that if you offend badly enough, or often enough, you won't have to pay.

CALLUM MURRAY

### GERMANY: ORGANISED DRIVE AGAINST OFFENDERS

German authorities have long prided themselves on successful rehabilitation of drink-drivers. A series of programmes, developed over more than a decade, has helped reduce the number of repeat drink-drive offenders from 17.7 per cent to 13.5 per cent. The calls for such a programme followed the well-documented carnage on German autobahns — a result of motorway speed limits which are practically non-existent in western Germany, and rarely enforced in the east.

The programmes are tailored to the type of offence and the driving history of the offender. The "mildest" programmes involve first-time offenders, run for two to three weeks and involve four to six sessions. Students are shown videotapes of accident scenes, reminded of existing traffic laws and alcohol consumption laws. The second group of first-time offenders, involving six to ten people, meets over several weeks but can include therapy up to and even beyond two years.

The third group, taking three weeks, is involved in intensive medical and psychological evaluations as well as therapy. The fourth, and most comprehensive group, is known by the acronym IRAK (Individual Psychological Rehabilitation for Alcohol-Impaired Drivers). The three to six-week course is highly intensive and geared to the highest risk offender who is likely to repeat the offence.

To enter any of these programmes the offender must apply then be approved by the relevant driving authorities. If the course is successfully completed then the suspension can be cut by up to 10-15 per cent. The programmes for repeat offenders are more stringent, lasting up to two years.

Authorities say the programme has been a success, and hope that a special parliamentary group will be able to persuade legislators that it should be written into law.

JOHN HOLLAND

### CREATIVE WAYS TO STALL DRINKERS

In America, where someone is caught drink-driving every 23 minutes, the penalties are becoming stricter and more ingenious. Special numberplates can mark constant offenders, written tests single out problem drinkers, and in 28 states offenders' cars carry a machine that prevents the engine from starting if it smells alcohol is detected on the driver's breath.

America's law on drink-driving varies by state, although most people convicted of driving under the influence can be sent on a rehabilitation programme.

Since drink-drivers are often repeat-offenders, many states tackle the cause: alcoholism. Some states claim prison sentences are not as effective as forced attendance at Alcoholics Anonymous. In Florida, the court insists each drink-driver takes a psychological test and completes a treatment programme. However, taking away the licence is problematic in rural areas with little public transport. Georgia authorises confiscation of repeat-offenders' cars, and other states imposed or clamp vehicles.

Laws are becoming draconian. In Iowa, a

law has introduced special licence plates which start with the letter "Z" for third-time offenders, so the police can stop the drivers at any time for a Breathalyzer test. In a few states, nightclub owners can be liable if a drunk customer causes an accident.

American law generally allows a higher blood-alcohol level than Britain — 0.10 per cent or six drinks in two hours.

For offences other than drink-driving, American drivers can often avoid the courts by attending traffic safety school. In California, 4,000 people attend traffic schools daily, and the eight-hour course means drivers avoid penalty points on their licences.

California's 450 traffic schools include gourmet-cooking traffic school, improvisation traffic school, and special sessions for singles and gays. The school inspectors claim that making the safety message palatable in this way keeps the drivers' attention. Certainly those attending the traffic schools are less likely to reoffend.

KATE MUIR

### BARCLAYCARD

## Good News for Cardholders Notification of a Further Interest Rate Reduction

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# Broken arm? Fingers crossed

Startling faults are coming to light in hospital emergency departments. Peter Kingston reports on the dangers that follow accidents

As the accident season, also known as Christmas, gets ever closer, one more cosy illusion about life in Britain has taken a knocking. Most citizens still believe that, rich or poor, if they suffer a serious injury and reach hospital alive, they automatically become a priority case. They expect the best treatment available.

It would not be countenanced that they could be shunted into a waiting room and left for hours in various states of consciousness until a spare trainee doctor is available with a gap in the routine surgery list.

Yet the myth that the British can rely on life-saving treatment when it really matters has been debunked in a three-year study by the British Orthopaedic Association (BOA). The Management of Skeletal Trauma in the United Kingdom. The report's most shocking statistic is that of 900,000 fracture cases treated annually, an estimated 12 per cent — 108,000 people — are left with serious disabilities which could have been avoided.

The report reveals a haphazard distribution of trauma units around the country. Those hospitals designated as trauma centres often lack the equipment and levels of specialist staff to provide the latest techniques. Barely half the existing centres have CT scanners, essential for head injuries, and 6 per cent do not even have intensive care facilities.

As Senior Orthopaedic Trauma Surgeon to Nottingham University Hospital, Christopher Colton is the man who fixed up the Prince of Wales's polo-damaged elbow, and who treated the victims of the Kegworth air crash. According to Mr Colton, government have long known about the woeful deficiencies in trauma treatment across the country — the Department of Health is at present funding a national audit to assess the standards of treatment at 70 trauma centres — but have repeatedly ignored reports, at least one of which was commissioned by the department.

Four years ago, a Royal College of Surgeons study of 1,000 trauma deaths showed that one-fifth could have been prevented. "There was great brouhaha for 24 hours, pictures of ambulances going all over the place and people dying in resuscitation rooms, with the politicians saying, 'Something must be done'," says Mr Colton, who is vice-president-elect of the BOA.

Called to give evidence to the standing committee on social services following the 1988 report, Mr Colton put the problem in government-friendly terms. "I put it to them that the purpose of resuscitation and trauma care is to return the victim to tax-paying status."

Following that report's recommendations, the government agreed to put funding towards a specialist trauma centre to serve two million people in Stoke-on-Trent. To date, the Stoke pilot scheme remains the only one of its type

in the United Kingdom. The government's commitment to reduce waiting lists has put further obstacles in the way of trauma treatment, according to Mr Colton, particularly in hospitals without operating theatres dedicated to trauma surgery. A third of the 266 hospitals examined by the BOA during its study fell into this category.

"Trauma has to take its place beside elective work. With the government telling hospitals to get waiting lists down, what do they do? They put their total hip replacements in during the day. So when does the trauma get done? It's stacked up and done at night by junior people."

After the 1988 report was published, the BOA decided to find out how many people were suffering serious permanent handicaps from trauma which could have been prevented if resources allowed. The report found that although orthopaedic and trauma technology has been vastly improved since the days of plaster and traction, the NHS has failed to keep up in infrastructure, staffing and equipment.

The BOA report used the distribution of orthopaedic surgeons among the population as an indicator. In England and Wales, the ratio of orthopaedic surgeons to population is 1:66,000; in Scotland, 1:49,000.

That compares with 1:20,000 in Sweden and the United States. The health department says that the number of doctors and consultants specialising in trauma has increased over the past ten years from 140 to 300.

According to the report, few British orthopaedic consultants have developed expertise in trauma, which has increasingly become a distinct discipline as techniques of treating fractures have become more sophisticated. A properly equipped trauma unit, the report suggests, needs its own operating theatre, 24-hour radiography in theatre and a full range of fixation devices. Refresher courses are essential for all surgeons in the rapidly-developing field of fracture care.

Mr Colton also fears that the orthopaedic service's ability to cope is threatened by the continuing rise in the number of injuries, whether from road accidents or falls by the expanding elderly population.

After a decade of what they see as ministerial lecturing about efficient use of finite resources, the medics are tackling the politicians on their home ground. "Good trauma care must be seen as an investment. Take the case of a young mother on her way to the shops, or a young man on his way to work, or a child going to school, who is injured and ends up half an hour later in an accident and emergency unit."

"They are the finest biological material that any trauma surgeon can get their hands on, but what happens to them? They are seen by an inexperienced house officer."

"And yet these people are our national asset. If you take a family which is a net tax



Christopher Colton, who treated the elbow of the Prince of Wales, above, wants more investment for trauma management

contributor and you convert it into a net tax consumer for a long period of time because you have killed or maimed the bread-winner or home-maker, or you cause the death or permanent disability of a child, it becomes incalculably expensive.

"Properly resourced trauma management is an investment in a national asset and is very good value for money."

Proper trauma treatment would include two great advances currently not universally available in the United Kingdom's network of accident units: "aggressive" surgical management of the multiple-injured as soon as they reach hospital, and the latest techniques in joint fractures. In Mr Colton's experience, the prevailing treatment of serious fractures around the knee, for example, very rarely permits a person to get back to heavy physical work.

"Initial management decision is the major determinant of outcome after injury but there are still many centres in this country where that message has not been embraced, for two main reasons."

"One, senior people are not

available to make these important clinical management decisions at the sharp end. Two, the profession has been forced to make choices to churn away at waiting lists."

Many elderly people with fractures are waiting two to three days for surgery. The commission for enquiry into perioperative death, recommended that even fractures of the neck or the femur, a common injury among the old, should be dealt with within 24 hours.

According to Mr Colton, every health region should also have a professor of trauma. At present, there are only two such chairs in the whole of the United Kingdom. The disincentive for orthopaedic surgeons to specialise in trauma is considerable. Trauma happens at night and at weekends, and by nature offers practitioners little opportunity to pick up private work.

"These are people whose job is to do trauma surgery and to teach it, to spearhead research into trauma surgery, raise standards and awareness. We aren't going to solve this problem tomorrow but we've got to have a ten-year plan to pull Britain out of this swamp."

the underdeveloped world it is caught during infancy. Hepatitis D occurs only in association with Hepatitis B and Hepatitis B and D often cause chronic infection, particularly if caught in infancy.

In the past, hepatitis was spread by blood: either by transfusion or the dirty needles of addicts. Pathologists have now introduced tests for Hepatitis C, and blood transfusion is no longer a danger. It has not been proved that Hepatitis C is spread by semen and vaginal fluids, but this remains a strong possibility, particularly in its acute phase. Fortunately, now that the risk of infection with Hepatitis C from transfusion has been removed, the number of new cases will fall. Meanwhile, the cautious may like to include in their mating ritual questions about their loved one's past surgical experiences; or better still, take the gastro-enterologist's official advice and avoid casual contacts; or use a condom.

Chronic hepatitis resulting from Hepatitis C can be treated with alpha and beta interferon, but the side effects are unpleasant and the relapse rate high. Other anti-viral agents are undergoing trials. Interferon has little or no effect on Hepatitis B. Patients with Hepatitis A and E recover spontaneously after a few weeks' rest, and diet can be left to them to select. Doctors do however advise abstinence from alcohol.

THOMAS STUTTFORD

## Led by the know-alls

Recently, John Major has been criticised for appearing indecisive. Baroness Thatcher, his predecessor at Number Ten, was criticised for being overbearing. Neither seems to have got it right. Do people want a democratically persuasive leader, or do they prefer a dictatorial person? Many of the factors governing our choice of leader seem to be emotional rather than rational.

As so many decisions are taken by committees and depend upon consensus, it may appear surprising that we still regard the leader as so important. Democracy implies that we should diminish inequalities of privilege and power as far as possible; but our democratic aspirations are to some extent contradicted by a biological need to establish a status order in society.

Animals which live in groups tend to establish hierarchies. This is biologically adaptive in at least two ways. Within the group itself, hierarchies diminish strife. If B is habitually submissive to A because the dominance of A has previously been established, fights between A and B become less likely.

In the case of wide-ranging groups which may be threatened by predators, it is advantageous that the group should act as one by responding to the lead of dominant individuals. Anyone who has seen films of animal behaviour will be familiar with the fact that the lion picks on the straggler rather than risk plunging into the midst of the group.

In man, as in other social animals, obedience to authority is adaptive and therefore, to some degree, built into us. Social life would be impossible if there was no system of authority and no general tendency to obey it. However, whether we choose a dominant leader or a persuasive one partly depends upon circumstances.

In the second world war Britain turned to the highly dominant Winston Churchill. When peace supervened, the voters favoured the more persuasive Clement Attlee. In general, the greater the threat, the greater the tendency to choose an aggressive, dominant personality.

If a society is threatened with complete collapse, the leader chosen may be some-



ANTHONY STORR

one who is not only dominant but pathologically aggressive. Such leaders invariably create scapegoats who can be blamed and persecuted. Hitler is the obvious example of such a leader, but there are many others.

It has often been remarked that politicians are initially self-selected. They do not have to pass examinations in politics or sociology or show any other evidence of ability. All that is required is an irrational confidence that they know best, together with a particular technique of public speaking. This consists of repeating clichés emphatically, as if they were newly discovered truths of the utmost significance.

In time, most politicians become so patronising and self-important that they cannot engage in ordinary social conversation and tend to dominate the room. This tendency has been made worse by television. Politicians learn that dominating an interviewer so that he or she is unable to ask any questions is the best way to avoid the emergence of anything discreditable.

Many people find dogmatic certainty seductive, and like to hand over decision-making responsibility to authority. The danger is that those who most convincingly put across the idea that they know best are not necessarily those who do.

One of Anthony Trollope's novels is called *He Knew He Was Right*. It tells of a husband who wrongly suspects his wife of infidelity, but is too dogmatic to allow his judgment to be questioned. He finally declines into insanity. We should teach our children to beware of those who also know that they are right.

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ORTHOPAEDIC & MEDIBEDS

LOVERS already alerted to the dangers of Hepatitis B and HIV had their confidence in their sexual partners further undermined last week when they read that Hepatitis C was now affecting between one in 1,000 and one in 3,000 of the population and up to 300,000 people in Britain could have the virus. The alarming news was that the virus could be spread by body fluids — the health educator's term covering blood, semen and vaginal discharge.

Hepatitis means inflammation of the liver. As with Hepatitis C, it can be the result of viral infection, or it can be caused by a wide variety of drugs, in which alcohol is the most common, and the toxins from roadstools the least. Usually the liver recovers but occasionally it leads to long term chronic inflammation and later cirrhosis.

Pathologists — the masterminds behind the battle against infectious diseases — have isolated five forms of viral hepatitis: A, B, C, D, E. Other viruses ranging from the extremely common Epstein Barr (glandular fever) through Weil's Disease (leptospirosis) to Lassa Fever also present with hepatitis.

All forms of hepatitis start as flu-like illnesses, complicated by abdominal pain, nausea, vomiting, diarrhoea and an abhorrence of food. Three to ten days later the patient may start to turn yellow.

Hepatitis A is the common form of viral hepatitis. Travellers to parts of the world where drains are inadequate, and cooks and waiters do not wash their

## Hepatitis virus alert

hands after visiting the lavatory, are most at risk but poor hygiene also occurs in Britain. Protection is provided by a course of injections of Havrix which supersedes gamma-globulin injections. Protection with Havrix is vital for venturesome travellers. Hepatitis E occurs in the same areas, and like Hepatitis A doesn't give rise to chronic ill health.

In the developed world, Hepatitis B is no longer spread by transfusions, as it has been possible to detect it in blood for many years. Injections against Hepatitis B have been available for the protection of risk groups for several years. The usual source of the virus is "body fluids": semen, vaginal fluid, or contaminated blood. At particular risk are drug addicts, who use others' blood-stained needles, or those who look after children whose blood is Hepatitis B positive, or adults who are either aggressive or mentally retarded. Doctors and nurses are also endangered by normal medical procedures. The virus is common among homosexuals and prostitutes. In

leges new  
inspiration















**JOYCE GUTTERIDGE**

[illegible]



Once the art of military strategists, logistical planning is now a vital science for success in the consumer age. Report by Bill Cater

Logistics, said the dictionaries until a few years ago, was the art and science of supplying armies and fleets — then the biggest assemblies of human effort and planning.

Today, when supermarket chains command more people and materials than Alexander the Great ever did, grocers need logistics as much as generals: a system for making sure the right people and the right goods are in the right place at the right time and — a complication generals rarely worry about — at the right cost.

In the manufacturing field, one reason for the triumph of Japanese car plants has been that they were pioneers of logistics. Where is the best place for a warehouse to serve shops spread over the whole country? Which is the best route for X trucks to take from Y warehouse to Z stores, taking into account road-mending delays at A, fog predicted at B and the perpetual traffic jam at C?

## General staff to general store

Answering questions like that — and others much more complicated — are how logistics experts earn their living. Their growing role in industry and commerce is essential to prosperity. As Europe's barriers to trade come down, logistics consultants will be in greater demand if British businesses are to benefit from that single market.

For years many managers, particularly in transport, had been using logistics without giving the discipline a name. Now, its practitioners admit "logistics" is in danger of becoming another business buzzword, used by people because it sounds impressive.

Ray Horsley is director-general

of the Institute of Logistics and Distribution Management, where membership has grown to more than 8,000 in the past ten years. He says that the unprecedented growth in consumer spending over the past decade, with the boom in supermarkets, has meant warehousing and distribution systems have grown bigger and more complex.

"Many of the large food retailers, including Sainsbury, Tesco, Asda and Gateway, have all created centralised composite distribution centres with the capacity to stock the vastly increased number of products," he says. Deliveries are arranged on a tight schedule.

"The principles of logistics embrace all these functions of storage and handling of goods and raw materials, including the interface with markets, production and purchasing," Mr Horsley says.

Logistics experts fall into three groups: those employed directly by manufacturers and retailers, the independents employed by business consultants, such as Coopers & Lybrand, PA Consulting and Arthur Andersen, and those employed by transport and warehousing companies as a service to clients and potential clients. The last two have been described as the "eggheads" and the "smart truckers".

The smart truckers are thought to outnumber the eggheads by a ratio of about 20 to one, and some managers hold strong opinions about the relative value of advice from the two groups. But whatever the arguments, logistics will be vital in the battle to make industry and commerce leaner and fitter.



Heavy load: efficient transport schedules will be the key to competitiveness in Europe

## Concentrate on Europe

The end of trade barriers will provide logistical opportunities

If logistics are a powerful tool for manufacturing and retailing in Britain, they will be essential when European barriers start to fall next month and as Western business moves further east.

Graham Roberts, managing director of British Road Services, says: "There are enormous opportunities in Europe. Our customers are asking us about rationalising where they hold stock, reducing the number of manufacturing points."

As Europe comes closer, concentration will increase. Big is beautifully profitable, particularly in warehousing. For example, it is calculated that a single large warehouse can provide the same service with a total inventory of only half that of four smaller ones, and will also be cheaper because of economies of scale.

With customs delays removed and barriers down, much of the European Community can be supplied from one centre within 24 hours.

A report on European distribution by A. J. Kearney, a firm of consultants, cited as an

example Philips, the electrical manufacturer, which organised on a national basis would have 16 warehouses, but after 1993 just three.

Iain Speak, of the international logistics and transport group TNT, says: "Lots of international companies operate in Europe with warehouses in each country duplicating and triplicating inventory levels. Where the skill comes in is reducing those levels."

As an example of logistics services that give a competitive edge in Europe, he cites a computer system that TNT uses for an American client with sales set-ups in most European countries. Mr Speak says: "We raise invoices in dollars on their behalf to their national sales organisations, but simultaneously invoice the end-users for those national sales organisations in local currency and in the local language, calculating the appropriate cost bases and margins and the different European VAT rates."

Ray Horsley, the director-general of the Institute of



The road ahead: the single market will exacerbate the complexities of transport

Logistics and Distribution Management, calls the opening-up of the European market "perhaps the greatest catalyst of change".

"Effective and optimum-cost logistics solutions will

emphasise that the Continent is not just an extension of the UK market. More than 150 such experts were interviewed, and 25 multinational companies studied, by Andersen Consulting and the Cranfield School of Management, whose report, for the International Council of Logistics Management, is due out next month.

Apart from the single market, the report sees three levers for change. One is European environmental

concern, another the need for better information technology for more efficient movement of products, and the third transport costs. Existing transport regulations on the

### The changes in Europe will bring logistics to the forefront of industry

shape the pattern of industry in Europe over the next decade," he says. "The changes about to happen in Europe will bring logistics to the forefront of industry."

Logistics experts, however,

Within their remit to work out a better way, to pare down waste and make supply more efficient, logistics claim a share of credit for a greener world — for saving waste saves the environment too.

Graham Roberts of British Road Services, the transport group, says applying logistics means working more closely with customers, and that leads to supplying vehicles closely tailored to customers' needs. "If we know a truck is going to be running mainly at high speeds on motorways we can fit aerodynamic gear to save fuel," he says.

Using less fuel means less carbon dioxide and other pollutants into the air. It also leaks less cash out of the company whose goods are being transported.

Rebecca Jenkins, managing director of Lane Group, another transport organisation, explains how her company had aerodynamic fairings designed for vehicles delivering to Body Shop. The investment was £19,000, but it produced a 24 per cent improvement in fuel consumption, which in two years saved almost £12,000 on fuel for one vehicle alone.

The days are gone, the company says, when transport companies simply moved goods. "Companies which will lead the way in the 1990s understand that logistics incorporates all elements of the supply chain."

The same group carries

### Orderly means green

Cutting waste helps the environment

clothes to a leading high-street fashion chain. Two years of research into everything from vehicle design to delivery methods and finance came up with a new garment hanging system, enabling more to be carried in each truckload, making turnarounds quicker and keeping garments uncrowded. The result was fewer trucks, savings of fuel and time and no need for ironing at the shops. The 50 trailers with the new hanging system also have air suspension, which is better for the truck, road, driver and load.

Tightening European environmental rules will make life difficult for companies that are late to wake up to these new demands. Nobody loves a lorry, as Peter Brinsden, managing director of BOC Distribution Services, admits. But he is doing his best to make them lovable by stipulating the

"highest levels of environmental excellence."

For example, BOC's low-maintenance and near-silent Polarstream refrigeration system uses liquid nitrogen — extracted from the air and harmless to the environment — rather than mechanical refrigeration using harmful chlorofluorocarbons.

Wincanton is another transport and logistics company which is aware of the need to be environmentally friendly. Pat Lee, the company's development director, says most transport companies have made great strides in that direction. It makes business as well as ecological sense. "There is an ever-increasing stream of environmental legislation from Brussels and Whitehall. We ignore it at our peril. Most of it is designed to protect the environment or our health, and nobody can argue with that."

He thinks that the industry will be pushed to go beyond the law's minimum ecological standards as customers become more aware of the labelling scheme introduced last year as a consumer guide. The green badge is awarded only after an independent assessment of the full environmental cost of production, including transport.

The scheme does not yet apply to food, drink or pharmaceuticals, but it could well do so soon. "The value to a brand of being able to display a green logo hardly needs to be stated," says Mr Lee.

## On the tide of debate

When nearly 500 logistics decision-makers got together on the cruise ship *Canberra* they were there for two days of hard work which might improve the quality of supermarket groceries, cut the price of a new car or bring more European trade Britain's way.

Senior executives expect to be provided with a high standard of accommodation in which they can listen and discuss and not waste time. Few hotels have enough room to spare and ashore it is too easy for the office to interrupt.

But a ship is different. Once aboard, the passengers are still reachable by ship-to-shore phone, but people are more reluctant to bother them. Moreover, they know that all their fellow passengers are interested, and may be experts, in logistics.



All aboard: delegates chat at their floating conference

Logistics '92, the second such conference, took place last month. Even before it began, the organisers, Richmond Events, were opening a waiting list for places at Logistics '93, scheduled for October 13-16.

A study just completed from this year's conference

shows that nearly 50 per cent of the delegates were from manufacturing and engineering; 25 per cent were retailers; 10 per cent wholesalers; 7 per cent in transport and distribution services — and more than 75 per cent of those represented had a yearly turnover of more than £100 million.

Logistics depend on computers the way gardeners depend on spades: doing without them might be possible but is hardly practical. Consequently, computer companies, consultants, contractors and suppliers of everything from mainframe computers to forklift trucks set up shop on board the ship.

Roger Waplington, supplies and transport operations head for British Gas, said of the conference: "We are keen to reduce overheads and increase customer satisfaction. Logistics '92 has provided an excellent opportunity to look at our strategy and measure ourselves against other companies and industries."

Stephen Quigley, Bass Brewers' supplies planning manager, called the *Canberra* trip "unique... there were no telephones, no distractions."



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# Business goes with the flow

Nearly 40 years after Laura and Bernard Ashley formed their company, it was world-famous, the brand shorthand for a particular style of fashion and furnishings. It had a £300 million turnover through 540 stores in 28 countries, and great potential.

But it was in a bad way, losing both money and control of its management. That was when Dr Jim Maxmin, a man with an exceedingly sharp eye, was made chief executive.

He found control divided between five major warehouses, an in-house distribution system plus eight other main transport firms, with ten management systems he described as "largely unconnected". For example, when a Laura Ashley shop in Germany reported a popular line was out of stock, it was told there would be no new supply for four months; yet, it was later found that there were 500 sitting in the company's warehouse in Wales.

What did Dr Maxmin do? He brought in a contract logistics company to sort it all out. It is planned to cut the value of stock in the supply chain from £60 million to £30 million, cut logistics operating costs by up to 12.5 per cent, close warehouses in Holland and the United States, develop

Greater efficiency, faster service and cost savings are among the benefits of logistics management, writes Bill Cater

a worldwide mail order capability, and make the Laura Ashley distribution centre in mid-Wales a logistics clearing house through which shops anywhere in the world can be supplied within 48 hours.

The ten-year contract, worth at least £150 million, was placed with Business Logistics, a division of Federal Express. Both sides say it is more than a service contract: they make it sound like a wedding. "We are totally compatible," Dr Maxmin says. "We have a commitment to work together in a spirit of partnership," a Business Logistics spokesman says.

Logistics companies of all types hanker after this matrimonial ideal. "Take a longer-term view and build genuine long-term partnerships," urges Alan Mathias, chairman of Applied Distribution.

The job of the logistics contractor is supply-chain management: improving delivery times; reducing product lead times; balancing demand and supply to reduce stocks within the chain and improve operational and cost efficiency.

TNT's newly-formed Business

Development team has won contracts worth £100 million over the next five years with customers including Nissan, Shell, BT, Land Rover, and the Co-op. The "total fulfilment" ideal, says Neil Crosswhite, managing director of TNT Contract Distribution, involves looking along the supply chain and identifying other areas of activity which can be integrated

## The job of the logistics contractor is supply-chain management

with the basic distribution service.

TNT was involved when Rover adopted the Japanese "just in time" system at Longbridge, banishing stockholding from the factory floor to make room for a new production line. Stock went to a new warehouse 15 minutes away.

From receiving an order to delivering the parts in the precise order in which they will be needed, the warehouse has four hours.

Instead of carrying stocks within the factory to cover different car specifications, the stock is ordered from the warehouse and delivered to the point on the production line when and where that one car needs that particular part.

Logistics executives now have responsibility for materials, planning and control in about half of firms surveyed by the European Logistics Association. Logistic executives are now responsible for sourcing and purchasing in one firm out of three, the survey found.

The integration of logistics has helped these companies cut costs by an average of 29 per cent in the last five years; they have reduced order cycle time from an average of 23 days to 15; and they have increased reliability by 31 per cent.

To improve further, companies need to forge strong links with customers and suppliers, agree on requirements, and integrate planning. Such collaboration has become a mark of the 1990s, according to Dr Ross Davies, of the Oxford Institute of Retail Manage-

ment. "Among retailers, there's still a mass of secondary companies that protect their own patch, but the better companies can see the benefits," he says. "Companies like Sainsbury's and Tesco are working quite closely with companies like Coca-Cola, Mars and Procter and Gamble."

"The company that has probably developed it to the highest level is Marks & Spencer... over a long time they invest in their suppliers and are very loyal to them."

Walmart, the biggest retail company in the world, is now giving hugely valuable scan information to Procter and Gamble, who are now controlling the inventory supply going into those stores. Walmart are unloading some of their costs, but they are also building a relationship of trust."

Andersen Consulting made a study for a group of leading European retailers and Coca-Cola of Fast Flow Replenishment, the retailers' equivalent of industry's "just in time" method.

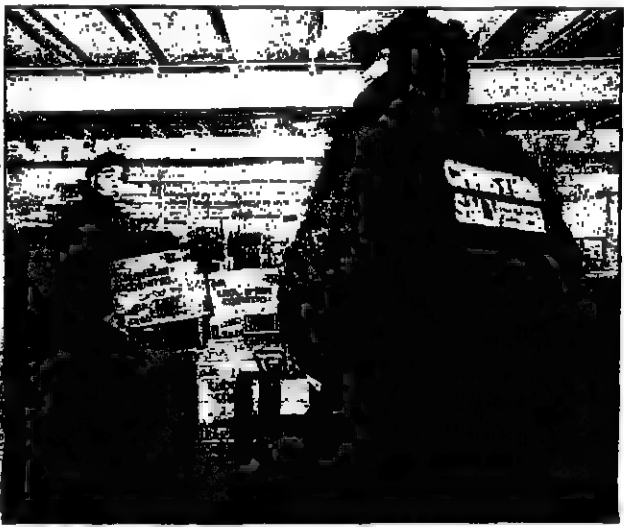
John Hollis, an Andersen partner, says: "FFR is the future for the grocery industry in Europe, but it has dramatic organisational consequences — not least in its implicit dependence on shared information and partnership between retailers and their suppliers."



Reflecting on logistics: Dr Jim Maxmin, of Laura Ashley

## The heat is on for deliveries

The chilled-food industry is paying even greater attention to its logistics



Chilly work: in the ice cream store of Christian Salvesen

If the supermarket chains and their suppliers have been at the sharp end of the logistics process in industry, the chilled-food side of their business is at the sharp end's sharp end. And new legislation will make matters sharper still.

Faulty delivery patterns, which cause over-stocking, cost money. Faults which leave empty shelves disappoint customers. But delays or other faults which take the chill off chilled foods are disastrous.

Next April, stricter food safety rules will, for example, demand that many chilled foods, now distributed at 8°C under interim standards, must in future not be allowed to rise above 5°C.

"It seems like a small drop in temperature, but the implications are dramatic for any company whose monitoring and control system is less than perfect," Peter Brinsden, managing director for BOC Distribution Services, says.

Those who are operating on the borderline now will simply not be able to conform."

His own company, one of the largest in the market, distributes chilled and other

foods to the major retail and wholesale chains, and has a specialised operation distributing nearly 90 per cent of Marks & Spencer's food from regional centres to stores, an operation involving 1,800 employees and 340 trucks.

BOC staff check the chilled food's temperature before loading on to vehicles fitted with temperature recorders, so drivers can spot any sign of the cargo rising above accepted limits. Customers can be given a temperature print-out.

"There's no magic about meeting hygiene legislation," Mr Brinsden says.

"But it does demand the right equipment and scrupulous attention to detail."

All logistics systems need to take account of varying levels of demand — supermarkets are busiest at the end of the week, soft drinks sell faster in summer — but flowers and plants have their own additional peaks of demand.

One retailer reckons the trade is three times above average for Mother's Day, twice the average at Christmas and up, too, around Easter, the date of which depends on the full moon...

BILL CATER



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PRICES







# Short-term health of ICI pleases City

■ ICI seems keen to push ahead with a demerger of its life science business. However, the City thinks that now is not a good time as prospects for next year are flat

By GEORGE SIVELL

ICI Pharmaceuticals says it has more than made up for the lost sales of Tenormin, its heart drug, which was opened up to cheaper competition in September last year.

ICI's pharmaceuticals division is part of Zeneca, a group of bioscience companies that ICI plans to demerge next year.

Analysts said after an ICI presentation to the City yesterday that the latest news from the group offered comfort in the near term and hope for the medium term.

But they added that it remained to be seen whether there was enough medium-term hope for shareholders to translate into action when it came to supporting the rights issue expected if the demerger is approved by the ICI board in February. ICI shares fell 11p to 1025p yesterday.

Analysts said that they expected profits at ICI Pharmaceuticals to be static next year but that they would start growing at a reasonable rate in 1994. Analysts said they were quite encouraged by

what ICI said about its portfolio of developing drugs.

However, they still believe ICI, of which Sir Denys Henderson is chairman, would be better to hold off the demerger until the market could focus on the expected growth in 1994.

Tenormin, a beta-blocker, is the largest selling drug yet to face competition from generic products made by rivals, which are able to manufacture and sell them once a drug goes off-patent.

But in its presentation yesterday, ICI Pharmaceuticals forecast that it had increased sales of Zestril, another heart drug, Zoladex, a cancer drug, and Diprivan, an intravenous anaesthetic, to compensate for the greater than expected loss of sales of Tenormin.

Tenormin sales had fallen 50 per cent so far but were expected to stabilise at above 25 per cent of previous levels, ICI added.

ICI Pharmaceuticals says it has stopped work on six or seven drugs this year as part of its efforts to develop drugs that offer the most attractive returns and limit research and development spending to 15-16 per cent of sales.

ICI Pharmaceuticals wants to have one new drug a year coming on to the market. In the pipeline already are five drugs undergoing final clinical trials.

These are Merrem, a broad spectrum antibiotic; Casodex, used to treat prostate cancer; Arimidex, for breast cancer; a drug currently known as 204636 to treat schizophrenia; and Accolate, to treat asthma.

ICI has no fewer than seven cardiovascular, cancer, arthritis and respiratory drugs undergoing early clinical trials.



High flyer: Lord Tebbit with Lord King, chairman of BA, at the award lunch at the Savoy Hotel yesterday

## Touche Remnant purchase boosts Henderson shares

By SARAH BAGNALL

HENDERSON Administration's long-awaited acquisition of Touche Remnant, a rival fund management company, which will create a group with more than £10 billion of funds under management, sent the Henderson share price up 47p to 685p.

Jeremy Edwards, Henderson's group managing director, said that the acquisition not only significantly boosted the level of funds under management but also created the largest manager of investment trusts. Touche Remnant is a leader in this market, with ten trusts under management, accounting for £1.3 billion of assets. The enlarged group will manage £2.4 billion of assets on behalf of 18 trusts.

To fund the £42.5 million acquisition, £27 million of which is for goodwill, Henderson is delving into its cash reserves of £55 million. The

purchase, which includes assets of £15.5 million and cash reserves of £17.2 million, will leave the enlarged group with net cash balances of £25 million.

Mr Edwards said that overheads would be reduced significantly, although the nature of rationalisation is still under consideration. Job cuts are expected among the 160 Touche Remnant staff.

An immediate cost saving of £2.5 million a year has been achieved as a result of an agreement with Société Générale, Touche Remnant's vendor, to take on Touche Remnant's 22-year lease at Fiddle Dock.

Touche, which last year reported a loss before tax of £700,000 on revenue of £14.1 million, has greater scope for cost savings with £2 billion of funds under management and operating costs of £16

million, compared with Henderson's figures of £8 billion and £33 million. The acquisition is subject to shareholder approval, which is being sought at an extraordinary meeting on December 21.

Henderson's profits have slipped over the past year. In November, the company reported a 26 per cent fall in taxable profits to £6.5 million for the six months to September 30.

Mr Edwards said he expected the enlarged group to "show an enhancement in earnings in the next financial year and a further benefit in the following year".

Touche will be represented on the combined group's board by Paul Manduca, who joins the 11 executive and four non-executive directors as deputy group managing director. He will be responsible for the retail division.

## Business award for King

LORD King of Warrnaby, the chairman of British Airways who is due to become life president on his 76th birthday next July, was named Businessman of the Year 1992 at an award lunch at the Savoy Hotel.

The award, presented by Sir Christopher Benson and sponsored jointly by J.O. Hambro and the Joint British Cancer Charities Committee, was given to him "in recognition of a lifelong commitment to the cause of making British industry more competitive".

The citation said it was "for the ambition, commitment and sheer willpower which have transformed British Airways in the space of 11 years from an embarrassing shambles into the best possible national flag carrier — the most successful and profitable large airline in the world".

City Diary, page 25

## BUSINESS ROUNDUP

### DHL and Inmos plans will create 600 jobs

MORE than 600 jobs are being created by two company initiatives. One is in microelectronics, in which QPL International, of Hong Kong, is taking a major stake in a new company that will run the Inmos wafer fabrication facility at Newport, Gwent. The other is in express parcel delivery, involving DHL International.

DHL intends to increase its workforce in the UK by 332 over the next 12 months, an increase of 23 per cent. The impact will be in the South East initially. At Inmos, an estimated 280 jobs will be created over the next three years. The operation, which employs 220 people currently, had been threatened with closure at the end of next year because of a lack of additional investment. SGS-Thomson Microelectronics, Inmos's owner, announced a deal with QPL International to run the Inmos facility with a new company in which QPL is taking a 70 per cent stake and SGS-Thomson the rest.

### TWA deal agreed

TRANS World Airlines has reached an agreement in principle between its creditors, its unions, the Pension Benefit Guaranty Corp. and Carl Icahn, its present owner. Unsecured creditors will own 55 per cent of a reorganised TWA, while employees will own 45 per cent. The airline's plan was scheduled to be submitted to US Bankruptcy Court on January 12. TWA said Mr Icahn would relinquish control on final court approval and contribute his stock and bonds to the company.

### Touche Ross advances

DELOITTE Touche Tohmatsu International, the global accounting, consulting and tax firm, increased worldwide fee income 7 per cent to \$4.8 billion in the year to end-September. Touche Ross, the company's UK side, increased fee income 16 per cent to £349.7 million (£302.2 million) in the year to April 15. Meanwhile, the transport department has appointed KPMG Peat Marwick to act as financial adviser on the proposed sale of DVOIT, the information technology division of the Driver and Vehicle Licensing Agency.

### Cupid founder resigns

SHARES in Cupid dived 32p to 53p after the Promutia wedding dress to Youngs formal wear group reported interim pre-tax losses of £168,000 in the six months to end-September (£93,000 profit) and announced the resignation of Michael Murray, its founder and chief executive. Mr Murray has received "modest" compensation. Richard Lee, chairman, has accepted the appointment as chief executive for the time being. There is a 1.27p loss per share (0.85p earnings). Again, there is no interim dividend.

### Wellman cuts payout

WELLMAN, the specialist engineer, is cutting its interim dividend from 0.8p to 0.3p a share, and has indicated that the year's final will not be less than 0.6p, compared with the 1.4p a share final dividend paid previously. The company, which says a direct comparison with previous interim results is not strictly valid, reported pre-tax profits for the six months ended September 30 of £321,000, compared with £344,000 previously, on a turnover of £13.4 million (£13.7 million). The shares rose 1p to 26½p.

### In Shops profit lower

IN SHOPS, the Birmingham property group that emerged in the summer as a prospective bidder for Amber Day, the discount retailer, saw pre-tax profits dip to £903,000 (£1.05 million) in the six months to end-September. Turnover increased to £12.2 million (£11.1 million). Earnings per share were 1.7p (2.05p). There is an unchanged interim dividend of 0.66p. The impact of the recession has particularly affected the group's executive centre division and its southern retail centres.

### Tunstall recovers

PROFITS at Tunstall Group, the security equipment company, recovered from £4.37 million to £5.3 million last year, while cash balances rose £2 million to £4.3 million. An extraordinary charge of £2.55 million, however, leaves net profits down from £2.47 million to £886,000. Michael Dawson, the chairman, said that despite adverse economic conditions, a further year of progress was anticipated. A final dividend of 3.75p a share makes 6p for the year (5.35p). Earnings rose from 17.4p a share to 21.6p.

### Faber Prest up 53%

SHARES in Faber Prest rose 20p to 350p yesterday as the industrial and distribution services group announced pre-tax profits up 53 per cent to £4.8 million (£3.1 million) in the year to end-September. The shares later eased to 343p. Redundancy and reorganisation costs depressed the results last time. Turnover eased to £66.1 million (£76.7 million) and operating profits were little changed at £5.3 million (£5.2 million). A final dividend of 7.7p (4.3p) a share makes a total of 12p (8.6p) for the year.

### Acal raises dividend

ACAL, the USM-quoted electronic and industrial controls distributor, is raising its interim dividend to 2.1p (1.95p) a share despite a 12.2 per cent fall in pre-tax profits to £1.34 million in the six months to end-September. Group sales climbed to £30.9 million (£29.1 million). Beta Components, the recently acquired Belgian components distributor, is expected to contribute about £3 million to this year's sales. Earnings dip to 6.3p (7.1p) a share. The shares were unchanged at 221p.

## Allianz-Dresdner moves approved

By OUR BUSINESS STAFF

WITH the single European market just over three weeks away, the cartel office in Berlin has given its blessing to the co-operation plans in the insurance business between Allianz, Europe's biggest insurer, and Dresdner Bank, Germany's second largest commercial bank.

The competition authority decided last March that Allianz, whose headquarters is in Munich, had to pare its holding in Dresdner in a ruling widely seen as a serious attack on two of Germany's leading institutions and on the cosy relationships at the heart of the German financial system.

In a joint statement, Allianz and Dresdner said the cartel office, which had partly backed down at the end of September by judging that Allianz would no longer have to reduce its 22.3 per cent stake in Dresdner, now has no reservations against the co-operation plans of the two companies. Co-operation strategy was the subject of detailed investigation.

After months of uncertainty, the statement said, the cartel office had created a "clear situation" for strengthening

co-operation between the two companies. Wolfgang Röll, Dresdner's managing board chairman, speaking in Frankfurt on the bank's better than expected ten-month figures, welcomed the cartel office decision as recognition of the companies' view that co-operation would not put them in a dominant market position in Germany.

Moves this year by Deutsche Bank, the leading German bank, and Assurances Générales de France into Germany's almost DM170 billion insurance market have altered the insurance landscape considerably, probably a key factor in persuading the cartel office to drop its objections to the Allianz-Dresdner relationship.

Dresdner said it expects a satisfactory full-year result, despite further bad debt provision. In the first 10 months of 1992, the group's operating profit rose 18.6 per cent to DM2.09 billion. Herr Röll said Dresdner should use this year's earnings to boost its capital base and raise reserves rather than increase its dividend. For 1991, the bank paid a dividend of DM12.

## Amex chief backs Golub as successor

By COLIN NARBROUGH

AMERICAN Express, the financial services company that this year settled a costly legal battle over alleged age discrimination for sacking managers over 40, looks set next year to replace James Robinson, its chairman and chief executive officer, with a man in his 50s.

In a letter to Amex staff, Mr Robinson, whose star fell long ago as far as Wall Street is concerned, gave an open endorsement of Harvey Golub, 53, the Amex president and his partner in the office of chairman, as the "obvious internal candidate" to take the helm. The market gave its verdict, pushing Amex shares higher in the hope that Mr Golub will put back the shine on the Amex empire.

Mr Robinson sought to

foster the idea that a smooth transition at the top of the world's second largest diversified financial services group will be effected by the Robinson-Golub duo.

Only 42 when picked to lead Amex, Mr Robinson also came from within the organisation, suggesting the group prefers in-house replacements. Outside candidates are, however, still being sized up by a committee of directors.

The company's New York headquarters was forced to issue a statement confirming reports that Mr Robinson, chairman for the past 15 years, plans to step down "sometime next year". It was reacting to recent American press coverage claiming that the chairman had been com-



Robinson: leaving

pelled in a boardroom coup to seek his own successor. Indeed, Mike O'Neill, the Amex spokesman, insisted yesterday that it was Mr Robinson who, over an informal dinner in September, asked for and received

authorisation from his directors to initiate the process of an orderly succession.

With assets of \$146 billion and revenue of \$27 billion, Amex is under pressure to make sure it is heading steadily in the right direction. After several years of earnings problems, investors appear to have lost confidence in Mr Robinson, once regarded as something of a corporate visionary.

While conceding in an interview that Amex had become arrogant, insensitive, deeply stuck in its ways and heavily bureaucratic, Mr Robinson stressed, in his staff letter, the "substantial headway" made in strengthening the group's balance sheet, rebuilding brand franchise and restoring the profitability of its stockbroking and investment arm.

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## Subsidy generates operating profit at Nuclear Electric

BY PATRICIA TEHAN

NUCLEAR Electric, the state-owned atomic generator, increased its operating profits 21 per cent in the six months to end-September, to £252 million, thanks to a £632 million subsidy from the government.

Bob Hawley, Nuclear Electric's chief executive, said the company hoped to make a profit without the help of the subsidy from the non-fossil fuel obligation, the so-called "nuclear levy", by 1995.

Without the subsidy, worth £1.2 billion this year, Nuclear Electric would have made a £380 million operating loss after decommissioning and fuel reprocessing costs.

At the pre-tax level, Nuclear Electric reported a £46 million loss after a £267 million provision for the cost of re-

processing fuel and phasing out ageing generating equipment.

This compares with a £374 million pre-tax profit in the six months to September last year, helped by an exceptional £420 million profit from writing back provisions after the agreement of new fixed-price contracts with British Nuclear Fuels Ltd.

Nuclear Electric has its sights on the government's review of the nuclear industry in 1994 and is keen to be seen as on the way towards being financially viable. It is also nervous about the government review of the coal industry, fearing it could lead to the closure of the ageing first generation Magnox stations.

John Collier, chairman of Nuclear Electric, hoped the

coal review would not preempt the nuclear review. Dr Hawley hoped the review would lead to "a balanced energy strategy".

In the six months, the company increased its turnover 9 per cent to £1.25 billion. Dr Hawley said: "The proportion of turnover that comes from premium income from the levy has decreased by 5 per cent." The unit cost of electricity generated was 4 per cent lower. Dr Hawley said this was thanks to increased electricity sales and improved productivity. Productivity increased 15 per cent to 3.8 gigawatt hours per employee per year. Staff numbers have been cut by 987 to 12,319 in the past 12 months and Dr Hawley said staff levels would fall to 11,500 by the end of the financial year and to 9,000 by 1995.

Dr Hawley continued his defence of the nuclear levy, which he said "muddies the financial waters for Nuclear Electric". He said the levy related to the huge liabilities the company inherited from the CEBG when the electricity industry was privatised.

He said he would be quite content to see the inherited liabilities and the levy "taken away from Nuclear Electric in its entirety. We have nothing to fear from being judged on the basis of how we manage our present and planned future operations."

"In 1995, we will be able to meet all the costs of current operations, including the necessary new provisions for back-end liabilities, out of sales income from the market and still make a profit."

Dr Hawley rejected calls for the Magnox reactors to be phased out, giving warning that their closure would cause the loss of 17,000 jobs over the next five years, including suppliers and related industries. He argued the case for a Sizewell partly funded by private industry: "Modern nuclear stations can be built, operated for 40 years, fully decommissioned, and still produce electricity more cheaply than the combined cycle gas stations coming into operation."



Cold shoulder: Wynford Evans, the chairman of South Wales Electricity, attacked Welsh Water's stake as being unwanted and undesirable

## Profits surge at power company

BY PATRICIA TEHAN

SOUTH Wales Electricity profits powered ahead by 43.5 per cent to £29.7 million before tax in the six months to end-September thanks to the group's decision to pull out of retailing. The interim dividend rises 13.8 per cent to 6.6p, the highest rise of the four regional electricity companies to have reported.

South Wales sold its loss-making retailing and appliance repair business to South Western Electricity in April. The disposal was for an undisclosed amount equivalent to the value of the stocks, but South Wales retained the properties from which it now derives income.

In the six months to September 1991, South Wales made a £6 million loss on its retailing business. Yesterday's figures included a modest profit from rental on retail property.

Profits were also helped by interest income of £400,000, against interest charges of £1.5 million in the first half of last year. Turnover was up 2 per cent to £260.5 million. Earnings grew 51 per cent to 20.5p a share.

Wynford Evans, chairman of South Wales, again criticised Welsh Water, which holds a 15 per cent stake in the company that was "an unwanted and undesirable interest in the company".

He said there has been no recent communication with Welsh Water, which took its stake from 10 to 15 per cent in July last year — a move seen as an attempt to get South Wales to discuss savings that could be made if the two combined their administration centres and cable laying operations.

Mr Evans said yesterday that South Wales has explored Welsh Water's suggestions "and decided whatever savings there were, they were not from our business".

Mr Evans expects a satisfactory result at year-end.

## S&N shortfall underlines flat times in beer industry

BY MARTIN WALLER, DEPUTY CITY EDITOR

SCOTTISH & Newcastle has reported a profits shortfall that confirms the hard times in the British beer industry have now spread as far as the group's heartland in the North.

Pre-tax profits fell from £115.7 million to £108.4 million in the 26 weeks to November 1, below most estimates, and earnings per share were down from 18.2p to 18.0p, after disregarding the surplus on disposal of properties. But the interim dividend is increased from 5.51p to 5.76p, which helped the shares advance 12p to 413p.

Brian Stewart, the chief executive, said consumer confidence and a consequent reluctance to spend remained a real problem in Britain.

While in the previous year this was more restricted to the

South, this year they had been much more widespread. Even in mainland Europe, where trading conditions were more buoyant, consumer confidence had been less certain.

Sir Alick Rankin, chairman, said: "Against that background, and our strong profit performance in 1991, to maintain trading profits at virtually the same level has been a significant achievement."

Margins in brewing had been hit by a £1.5 million rise in provisions for bad debts as customers suffered in the recession and trade loans went sour.

The pubs side, with a weighting to the north of the country, had to cope with more difficult trading conditions. The leisure operation

includes the Pontins holiday business, where guest numbers were down 13 per cent after a dramatic fall in bookings and rise in cancellations after this autumn's announcement of coal pit closures.

S&N is seeing no consistent evidence of an economic upturn and is making no such forecasts. Mr Stewart said: "Nobody's going to say it's going to get better for the moment until it has got better for a long longer."

Sir Alick said: "Performance over Christmas is always a key element for both our beer and retail divisions and we will be more confident of the short-term financial outlook once that period has ended."

Tempos, page 24

## Gilt-edged turnover at record

BY GRAHAM SEARJEANT

THE Stock Exchange's gilt-edged market had its busiest period ever in the third quarter of this year, turning over almost £330 billion of government securities, nearly a quarter more than in the second quarter. Dealings in short-dated stocks accounted for 45 per cent of turnover.

Speculative activity before and after devaluation made September the busiest month for dealings in UK company shares since October 1987, the London Stock Exchange says. Total turnover reached £45.3 billion.

Turnover on the exchange's overseas equity market was £30.7 billion in September, the third highest on record.

Comment, page 25

## Shopkeepers see signs of revival

BY DEREK HARRIS

BRITAIN'S shopkeepers are at last seeing the start of more buoyant sales, encouraging them to look for a better Christmas than last year, the Retail Consortium says.

The consortium, which speaks for about 90 per cent of retailers, said reports from the trade showed that a lot of people have been in the shops and retailers say sales have been "fairly good".

Consumer confidence had been showing signs of reviving in late summer only to be

crushed by the black Wednesday devaluation in September. The consortium believes the earlier trend might be re-establishing itself.

Sales improvements have been patchy, with obvious gift areas such as perfume and toiletries showing up best. Clothing and shoe sales have also improved. But luxury items generally are still stalled and products related to the housing market, such as furniture and carpets, remain in the doldrums although DIY has seen marginal improvement.

Electrical goods such as camcorders and hi-fi equipment have shown possibly the biggest sales improvement, the consortium says.

There is no evidence so far of a Christmas surge in sales in the weekly returns of the John Lewis Partnership, which has more than 20 department stores. In the week ended November 28, department store sales were down 1.3 per cent. The partnership believes that Christmas sales on a Friday means seasonal sales will be late.

## BP raises oil and gas reserves

BP said it was adding 600 million barrels of oil and gas equivalent to its 1992 reserves, more than replacing the 540 million barrels of expected production for the year.

The new reserves include an initial 225 million barrels from the Cusiana field in Colombia. BP confirmed that development plans for Cusiana were progressing well. Work on full scale production was expected to begin next year leading to production of 150,000 barrels a day by the end of 1995. John Browne, head of BP Exploration, said: "The work done so far shows that the development costs will be no more than \$2 a barrel and that lifting and transportation costs will be around \$3.50 a barrel."

## Cranswick rises

Cranswick, the USM-quoted food company, reported pre-tax profits up 47 per cent to £968,000 in the six months to September 26. Turnover rose to £49.6 million (£37.8 million). Earnings per share were 6.4p (6.3p). There is an interim dividend of 2.4p (2.3p).

## Rolfe ahead

Rolfe & Nolan, the computer specialist, reported pre-tax profits of £707,000 (£704,000) in the six months to end-August. Turnover rose to £5.3 million (£3.3 million). Earnings per share were 8.9p (8.5p). There is an interim dividend of 2.55p (2.3p).

## Offer rejection fears send Amstrad lower

BY COLIN CAMPBELL

AMSTRAD shares fell 4p to 24p yesterday on market fears that shareholders will reject Alan Sugar's offer to buy them out at 30p a share cash.

Mr Sugar said previously: "If shareholders do not accept my 30p offer... then you watch the share price."

Mr Sugar yesterday claimed that a number of institutions had already sent in their proxies supporting him, but admitted that there were still 21,000 out of 31,469 Amstrad shareholders who had not yet voted.

He said: "I suppose many small shareholders thought they had to do nothing to get the 30p a share I am offering, and have thrown their forms away. No vote, no do."

Mr Sugar is not permitted to vote his own holding of 205.6 million shares, and to realise his ambition to take Amstrad private he needs a simple majority of non-Sugar shareholders (in person or by

proxy) and 75 per cent of shares they represent.

Thursday's critical meeting (the Court meeting) is at 2pm at The Insurance Hall, Aldermanbury, London. There follows an extraordinary general meeting, at which approval from 75 per cent of shares voted is required.



Sugar: seeking support

## Swiss delay free trade area by one year

BY WOLFGANG MÜNCHAU, EUROPEAN BUSINESS CORRESPONDENT

THE creation of the European Economic Area (EEA), which is due to extend the EC's single market to include the seven member states of the European Free Trade Area (EFTA), is likely to be delayed for one year because of Switzerland's failure to ratify the EEA treaty.

The no-vote in the Swiss referendum has led to widespread condemnation and consternation among politicians and business leaders throughout the EC and EFTA. In Sweden, Magnus Lemmel, the chief executive of the federation of Swedish industries, warned the vote would add to the general uncertainty and that it would dash hopes that an open market could pull companies out of recession.

Financial markets, by contrast, took a more optimistic view of the no-vote. After the Swiss franc came under selling pressure overnight in East Asian trading, it regained its losses against the mark and other ERM currencies during the day. After its Friday close of SFR0.8970 against the mark, the franc fell to a low of SFR0.8977, but recovered in early afternoon trade to SFR0.8960. Some dealers said yesterday that the franc even constituted a "safe-haven" currency, similar to sterling, because the Swiss currency is now expected to remain decoupled from Europe's exchange-rate

mechanism, which is under some strain at the moment.

In Austria, one of the keenest countries on the EEA and, eventually, on EC membership, the reaction to the no-vote was exasperation, though not surprise. Wolfgang Schüssel, the Austrian economics minister, has promised a "dramatic session" at Thursday's EFTA meeting.

The EEA treaty, which set out the extension of the EC's single market to encompass a total of 380 million people, was agreed earlier this year after tough and lengthy negotiations between the EC and EFTA. Like the EC's Maastricht treaty, the EEA treaty was also due to have come into effect on January 1, 1993.

The EEA treaty contains a provision for a delay, if countries faces difficulties with ratification, but if one of the signatories fails to ratify, then the entire treaty will need to be renegotiated.

Austrian government sources said yesterday that most of the renegotiation will be a technical process, but the question of Switzerland's contribution to the EC cohesion fund, a mechanism for the redistribution of wealth from the Europe's rich north to its poorer south, will represent a large stumbling block.

Under the agreement Switzerland's contribution would have been SFR65 million

(£28 million) annually for the next five years. There will be a debate about whether this amount is simply to be dropped or whether Switzerland's share of the bill will have to be redistributed between the other signatories.

An Austrian EEA-expert said a delay of one year was "realistic", merely because of the technicalities a renegotiation would inevitably bring. The newly renegotiated treaty would then have to be presented again to national parliaments for ratification.

Among the treaty provisions is the right of EC and EFTA citizens to work and live throughout the entire EEA area, an issue which has caused much controversy in Switzerland.

The treaty also envisaged the removal of red-tape on the passage of goods across EC borders. Austria estimates that this red-tape costs adds between 4 per cent and 5 per cent to the cost of goods, in some cases large enough to cancel out any profit margin.

Apart from Austria and Switzerland, EFTA also includes Sweden, Norway, Finland, Iceland, and Liechtenstein. Liechtenstein will hold its own referendum next weekend.

Comment, page 25  
Wrangling, page 11

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## WORLD MARKETS

# Bonds lift Dow in early trading

☐ **Sydney** — Shares finished firmer across the board, pushed up by the strength of American equities on Friday. The All-Ordinaries index closed at 1,444.7, up 9.7 points. (Reuters)

# WALL STREET

[illegible]

## STOCK MARKET

## Plan to split makes ICI soft target for bears

**FORTE: SHARES SUFFER EARLY MARK-DOWN AFTER DISPOSAL IS CONFIRMED**

The graph displays two data series over a 12-month period from December to November. The 'FT all-share index (rebased)' is shown as a thick black line, and the 'Share price' is shown as a thinner black line. Both indices follow a similar trend, with a significant drop in August followed by a recovery. The share price starts at approximately 260 in December, drops to a low of about 120 in August, and then rises to around 180 by November. The FT all-share index starts at approximately 240 in December, drops to a low of about 140 in August, and then rises to around 180 by November.

Month	Share price (approx.)	FT all-share index (approx.)
Dec	260	240
Jan	250	230
Feb	240	220
Mar	230	210
Apr	220	200
May	210	190
Jun	200	180
Jul	180	160
Aug	120	140
Sep	140	160
Oct	160	180
Nov	180	180

financial services group, climbed 25p to 673p, after issuing terms for the proposed offer for Touche Renmant Holdings. Henderson is paying Société Générale \$42.5 million for Touche Renmant, creating an investment management group controlling funds worth £10 billion.

Midland Radio, the independent radio broadcaster, jumped 11p to 116p, after confirming it has received a bid approach.

Tadpole Technology, the computer software specialist, made a confident start to first-time dealings with the price opening at 73p compared with the original placing of 65p. The shares later touched 86p before ending the session at 85p, a premium of 20p.

## BRITISH FUNDS

[illegible]

116% <sup>1</sup>	101% <sup>2</sup>	Treas 10% 1999	115% <sup>3</sup>
123% <sup>4</sup>	108% <sup>5</sup>	Exch 12% 1999	130% <sup>6</sup>
109% <sup>7</sup>	94% <sup>8</sup>	Corp 9% 2000	105% <sup>9</sup>
128% <sup>10</sup>	114% <sup>11</sup>	Treas 1% 2000	125% <sup>12</sup>
113% <sup>13</sup>	99% <sup>14</sup>	Treas 10% 2001	110% <sup>15</sup>
129% <sup>16</sup>	118% <sup>17</sup>	Treas 14% 1998-01	135% <sup>18</sup>

pass for £500 million this year failed. Meanwhile, Forte is buying Sogerba, the French hotels and motorway services chain, for an undisclosed sum. The shares closed 1½p cheaper at 167½p.

their best. Allied-Lyons firmed 1p to 639p, after touching 644p. Bass 1p to 602p, after 608p. Devonish 2p to 238p. Grand Metropolitan 4p to 424p, after 427p. Greenalls 2p to 347p. Greene King 3p to 475p. Mansfield Brewery 7p to 648p. Martson, Thompson & Evershed 4p to 240p, and Morland 20p to 440p. . .

Profit-taking left high-flying **Airtours**, the package holiday group, 3p lower at 257p, after weighing in with full-year pre-tax profits up 33 per cent at £36.5 million.

The food retailers were all marked higher as they began bracing themselves for a Christmas spending spree. Industry sources have already begun forecasting increased spending in the shops. Asda firmed 14p to 54 1/2p, Argyl 6p to 39 1/2p, Iceland 5p to 59 1/2p, and J Sainsbury to 53 1/2p. Kwik Save Discount was also squeezed higher in a market short of stock. The shares finished 24p better at 77 1/2p with Smith New Court, the broker, reckoned to be a big buyer.

## RECENT ISSUES

BTR Warrants 1997	115	+½	Wetherspoon JLD (160)	180	+5
Critchley Group (230)	236	-1			
Foreign & Col PEP Inv Trt	102		RIGHTS ISSUES		
Hunters Armley (90) NV	99	...	Prime People n/p (44)		¼ ...
Jos Holdings Capital	33		Property Trust p/p (25)	18	...
Jos Holdings Income	90	+1	Rossbur n/p (10)		2½ ...
Jos Zero Div Pf	109	...			
Second Consolidated Tr	96	-1			
Tadpole Technology (65)	85				

## MAJOR CHANGES

<b>RIBES:</b>		
SG Warburg .....	516p (+17p)	Spring Ram .....
Morland .....	440c (+20p)	Whescoe .....
Scott & Morand .....	413p (+12p)	Lex Service .....
SA Breweries .....	705p (+27p)	<b>FALLS:</b>
Tunstall .....	581p (+10p)	Standard Chart .....
M&G .....	539p (+11p)	Biggden .....
Ainspring .....	395p (+11p)	J Menzies .....
Broken Hill .....	516p (+14p)	Sema Group .....
Heworth .....	280p (+10p)	Jardine Stral .....
EMAP .....	313p (+10p)	Thomson Corp .....
Rothmans 'B' .....	652p (+22p)	Ranger .....

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## COMMENT

## Markets endorse Swiss "no" vote

Proponents of greater European unity await with trepidation the first half of 1993, when Denmark will hold the presidency of the European Community and Switzerland the presidency of the European Free Trade Area (Efta). The Danish position on Maastricht is history. The Swiss last weekend voted against the other important European Treaty to set up a European Economic Area (EEA), an extension of the EC's single market to EFTA. The Swiss no-vote will have a significance far beyond its own borders. The EEA was designed to be the world's largest free and single market from 1993 onwards and, at best, the process is now being delayed, probably for one year. For the rest of the EC this hardly matters, since the combined population size of Efta is tiny compared with its own. But not so for in the countries of Efta, where the business community, including in Switzerland, is strongly in favour of the EEA.

The wider economic implications for Switzerland are probably negative, but self-inflicted. Switzerland is already engulfed in a damaging recession and not only has a drugs problem and an immigration problem, but also an inflation and an unemployment problem. Five years ago, each of those would have been unthinkable.

The business community reacted with predictable anger, but, interestingly, financial markets took an altogether different view. The Swiss franc appreciated strongly during yesterday's trading and some traders were even talking about, though perhaps somewhat hastily, a "safe haven". The reason is that the vote has reduced any likelihood of Switzerland entering the EC and with it the dreaded exchange-rate mechanism. But the flight into the franc is only in part related to the present uncertainty hanging over the ERM. There is also the question of the continued state of deregulated bliss enjoyed by Swiss banks, which can continue to operate unperturbed by Brussels-imposed banking directives. Whether deserved or not, Switzerland will also in future benefit from a reputation of being a "safe haven" for money which might otherwise not be safe elsewhere.

In the past, the Swiss economy has no doubt benefited from such perceptions. But Switzerland's post-war economic miracle was essentially not the result of efficient banks or reliable cuckoo clocks. Switzerland is the home of some of Europe's most successful companies, whose outlook is far more European than that of its citizens.

## Small consolation

Those concerned with the sale of the third tranche of the government's stake in British Telecom should read the latest survey of commission costs in the London Stock Exchange's quarterly report. It shows that private investors paid on average 0.64 per cent commission this year, down from 0.68 per cent in 1991, a tedious but not unreasonable cost for a service. For small bargains up to £2,000 this average commission rises above 2 per cent. For very small bargains of up to £500 the average jumps to about 6 per cent typically reflecting a broker's minimum bargain charge.

By most standards, this is an uneconomic waste of money for investors. Yet these deals are overwhelmingly sales by investors who picked up tiny parcels of stock in privatisation issues. Indeed, charges have been raised progressively since 1984, when the first BT sales introduced mass privatisation, to cope with the flood. There is little reason to think brokers are growing rich on this business. The money is simply being wasted by being eaten up in costs. Political dogma or convenience should not fly in the face of economic reality. In future privatisations no investor should end up with much less than £1,000 of stock.

The world's largest aircraft leasing group is cautious about the outcome of negotiations that will take months, writes Neil Bennett

If GPA Group was an aeroplane, its pilot would be telling the crew to tighten safety belts and strap on oxygen masks as a precaution. The plane has gone into a steep dive and the profitability and debt warning lights are flashing. By next summer, the flight could be back on course, but until then the heavy cargo of banks and aircraft manufacturers will look decidedly airless.

GPA, the world's largest aircraft leasing group, has been heading for a showdown with its banks and aircraft suppliers since the spectacular failure of its \$800 million share offer in June. The collapse of the flotation destroyed the financial community's confidence in the highly geared company. GPA, based in Shannon, had always been regarded as a maverick and the exponential growth in its profits and balance sheet in the eighties was looked on with distrust.

The collapse in the company's credibility has in turn blocked GPA's access to the capital markets that it relies on to fund aircraft purchases. In October, the group was forced to shelve a \$752 million Aircraft Lease Portfolio Securitisation, or Alps, due to a collapse in investor demand.

Without access to fresh funding, GPA cannot meet its commitments to buy 160 new aeroplanes, worth \$5 billion, over the next five years, and will be unable to meet the quarterly repayments on its \$3.5 billion bank debt. The company's only chance for survival is to renegotiate commitments with its lenders and suppliers.

On one side, the company is asking almost 100 banks to defer debt repayments of \$900 million for up to two years. On the other, it is talking to Boeing, Airbus Industries and McDonnell-Douglas to defer or cancel some of its 160 aeroplane orders.

Only when it succeeds in these two Herculean operations can GPA be moved off the critical list and into convalescence. The group's ultimate purpose in the negotiations is to regain the confidence of the capital markets. If it succeeds, it can begin to issue paper once more to finance its aircraft purchases. A preference share issue next summer would complete the rehabilitation by bolstering the company's capital base.

The negotiations will take months, however, even if they run smoothly. GPA hopes to reach agreement with the banks and aircraft manufacturers by the end of March, but this is probably a case of wild Irish optimism. There will undoubtedly be turbulence along the route and a real chance of a messy crash landing if a few recalcitrant banks or an obstinate aircraft manufacturer throw a spanner into the turbine.

Maurice Foley, GPA's deputy chairman, is the man responsible for piloting the company along this



Talking GPA through the storm: Maurice Foley, left, deputy chairman, and Tony Ryan, chairman

toruous route. He is naturally cautious about the outcome. "If I did not feel it could be done, I wouldn't be here. It is do-able, but we have to recognise that it is extremely complex and not totally in the company's control," he said between meetings with advisers.

The banks are unanimous in their approval that Mr Foley is leading the talks instead of the unyielding Mr Ryan. Mr Foley has impressed the financial community with his clarity and humility. GPA has succeeded in persuading the banks to grant it waivers on its loans, giving the group a foundation on which to carry the talks further without breaching its loan covenants. The irony of the bank talks is that GPA has reduced its reliance on bank debt in the last two years. Until recently, it had access to cheaper funding on the capital markets. The group has cut its bank debt by more than \$1 billion and none of its main facilities are fully drawn.

GPA has asked for principal deferrals on its \$2.1 billion corporate credit facility led by Citibank, the lead bank in the talks. Its \$325 million interim credit agreement and the small \$150 million Japanese club loan. The company is still deciding what to do about its \$1.1 billion

associated credit facility, also led by Citibank. There is a good chance the banks in this syndicate will be asked for smaller deferrals than the others.

In addition to the two-year deferral of principal repayments, GPA is asking the banks to alter its debt covenants in several areas. It wants to make the loans relate to cash flow rather than profitability, since it recognises that profits will be scarce for the next two years.

All these changes will cost the company dear. If the banks agree to delay the principal payments, they will be covered through a new deferred amortisation facility, which is expected to carry an interest margin two or even three times higher than GPA's existing loans. The banks will also earn fees of at least \$20 million, and be given better security to control GPA's cash flow more tightly. Then GPA will have to pay for the thousands of hours being worked by Schroders, its adviser, Citibank and National Westminster, the agent bank that will have ultimate responsibility for drawing up the new agreement. Four of Europe's most expensive law firms are also working on the deal — McCann Fitzgerald in Dublin and Allen & Overy in the City

for GPA. Clifford Chance for Citibank and Freshfields for NatWest.

All of these talks with the banks will be a waste of time unless GPA can wriggle out of its current commitments to the aircraft manufacturers. The group wants either to delay many of the orders that fall due in 1993 and 1994, or convert them into options that it can refuse to take up if it cannot arrange the finance. The company insists that it will, and can, take most of the aircraft it has on order, but over a longer period.

All negotiations lead one way — to the capital markets. To survive, GPA needs to be able to sell its aircraft to investment institutions as financial assets. These sales have always been a key element in the group's business and earned a high proportion of the profits. If and when the deals are signed, Citibank will reactivate Alps Two, the \$752 million syndication that was shelved in October. Alps Three and Four are being planned. GPA needs to ensure that investors have the confidence to buy this paper at low margins and that the paper will be granted AA rating.

GPA has outstanding capital issues worth more than \$1.5 billion and it is not surprising they are being treated like sacred cows. The group is quick to dismiss any speculation that bond-

holders will be asked to defer interest or capital payments. They must be paid in full and on time or the group will have no chance to reopen the door to fresh finance.

GPA's future hangs in the balance, but it has several factors in its favour that it is keen to exploit. First, most economists agree that the air travel industry will continue to expand. Almost all economic forecasts suggest it will. Traditionally, air travel grows 2.25 times as fast as the world's gross domestic product. If GDP expands as expected by 2.5 per cent a year in the nineties, air traffic will rise by an annual 5.5 per cent. Overall, GPA forecasts that total aircraft deliveries between 1991 and 1995 will reach 3,570 to meet the growth and update ageing fleets — a conservative figure compared with others in the industry.

The growth will not be even. Some routes in America may be close to saturation, while air travel is booming in developing regions such as China. This is where GPA's readiness to manage risks comes to the fore. The group often leases planes to airlines that traditional financiers would not touch, such as Air Ukraine, its newest customer. By the middle of the decade, the group expects to have more planes operating in China than America. The credit risk of dealing with these smaller airlines is real. Although all GPA's leases have a fixed term of an average of seven years, that can become meaningless if an airline hits financial trouble. GPA has shown it is efficient at recovering aircraft and finding new lessees. In October, it had to repossess 13 Boeing 737s from Vasp, of Brazil. New customers have been found for more than half the fleet.

Both the banks and aircraft manufacturers agree that GPA performs an important function, bridging the gap between them and the airlines. If it failed, aircraft would still be sold and financed but other leasing companies would have to fill its place.

The other ace in GPA's hand during talks is the apocalyptic consequence of its failure. Bankers fear the prospect of GPA going into receivership since it could result in hordes of institutions fighting competing claims for aircraft all over the world. Similarly, the last thing the manufacturers want to see is the collapse of their largest customer, which would leave dozens of aircraft on assembly lines with no buyer in sight.

But if GPA does fly through all the turbulence, it will emerge as a much shrunken animal. The company faces an increase in interest costs and bank charges, a fall in discounts on aircraft purchases, and is likely to be forced to offer more favourable terms on its paper issues.

All that will conspire to erode GPA's profitability and cash flow. GPA is heading for a heavy loss this year thanks to the cost of the aborted flotation and this rescheduling. No-one expects it to bounce back quickly and the chances of it ever coming to any stock market are very dim and distant indeed. From now on, Mr Ryan, Mr Foley and their crew will be flying a twin-engined Cessna, rather than the Jumbo they were once so proud to show the world.

## LETTERS

## Banks enjoy special privileges

From Mr Francis Palmer  
Sir, Sir Nicholas Goodison is so wrong when he dismisses the recent ombudsman statistics as "infinitesimal". He has conveniently forgotten "unreported crime".

I have been battling with both National Westminster and Barclays (alternatively) for years. Their respective chairmen have never accepted that banks enjoy special privileges and practices that other businesses do not have. Yet this is so.

1. They charge customers for arranging credit facilities.  
2. Put charges, sometimes including recoverable VAT, on statements without including appropriate invoices or explanations.  
3. Charge for letters and statements.

What other type of business could, or would want to treat

customers in this arrogant manner? Just recently my secretary has informed me that almost every month there is at least one discrepancy with one of the daily credits. She is convinced she is correct because all cheques and cash payments are reconciled with our customers' accounts. They have not the courtesy to telephone us so that the discrepancy can be reconciled with them.

I suppose they would probably charge about £5 or so, but even that might be more economical than the cost of computer adjustments that have to be made.  
Yours faithfully,  
FRANCIS C. PALMER, Chairman, Francis Palmer & Co, Power Building, Isleworth, Middlesex.

## Pussy-footing does not work with awkward organisations

From D.M. Edmunds

Sir, People who have written to you regarding the problems they have with their banks should stop pussy-footing around.

Awkward commercial organisations in general — and banks in particular — will not respond to genteel letters. A year ago I discovered that I had been uninsured under a life policy for six months because one of my banks had cancelled the related DDM in error — and admitted the fact. As they failed to offer what I considered to be adequate compensation for the problems that this caused, I sued them in the Small Claims Court.

Such is the bank's communications system that when the head office sent me my cheque (for £400 plus costs), they freely

admitted in a covering letter that they didn't know what it was for, but they were sending the claim anyway.  
My advice is never to get into a long drawn-out correspondence.  
State your case fully, ask for

reasonable compensation, then proceed as above if they don't play ball.  
Yours faithfully,

D.M. EDMUNDS,  
1 Axedene Road,  
SW2.

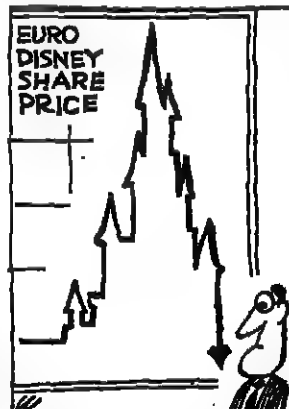
## THE TIMES CITY DIARY

## Language trap

LORD King, the chairman of British Airways, was anxious to emphasise the importance of British managers being able to speak a foreign language, when he received the Businessman of the Year award at the Savoy Hotel yesterday. At a business conference in Amsterdam last month, he had addressed the audience in English, without the help of an interpreter. "There was no problem," said King, "but can you imagine a Dutchman standing here, addressing you in Dutch? To further illustrate his point, King went on to tell the tale of a mouse tempted by a large piece of Edam cheese. Each time he approached it, he heard a loud 'miaow'. After half a dozen averted attempts, the 'miaow' became a 'woof' and the mouse moved in for its feast. He was duly pounced on by the waiting cat who, as I finished his meal, observed: 'I always knew another language would come in useful.'"

## Holiday blues

THE curse of Simon Butler has struck again. Butler, a fund manager with BP Pension Fund, and Anthea, his wife, were featured in the City Diary almost three years ago, when their "holiday of a lifetime" to Australia had to be arranged because of the Australian pilots' strike. They went instead to the Virgin Islands, only to be in the path of Hurricane Hugo, which caused them to spend two days with no electricity or water



supplies. "He is good at picking stocks — not at picking holidays," one colleague observed then. Butler, known for his dour image, which belies a dry sense of humour, and his wife set off on their annual travels at the weekend. Colleagues are looking forward to his return, as this time they have opted for... India.

## Back in touch

ANY rugby enthusiast who read about Gordon Waddell's appointment as chairman of Shanks & McEwan, the waste management group, last week, could be forgiven if they thought his name rang a bell. Waddell played stand-off for Scotland 17 times in the sixties, toured South Africa with the British Lions and, in that same era, married Harry Oppenheimer's daughter. He was retained on the board at Anglo American Corporation, after the marriage ended in divorce, otherwise he might have joined his father Herbert — a Scottish rugby international in the thirties — in the

renowned Glasgow stockbroking firm of Speirs & Jeffrey. His two brothers, Robin and Alan, are both directors of that firm. Speirs & Jeffrey has an enviable reputation for its close connections with Glasgow industry and Charlotte Square, Edinburgh. Gordon, with directorships at Cadbury Schweppes and Scottish National Trust, will now enhance those connections, bringing his career almost full circle.

## Plain raspberry

ALAN Sugar, the besieged Amstrad chairman, never one to mince his words, was asked by a journalist from *The Times* if reports that he might start selling his Amstrad shares if Thursday's vote went against his privatisation plan, accurately reflected his views. As Sugar hesitated with his reply, the journalist, anxious to assist, asked him to specify the flavour of his innermost thoughts. "The flavour is raspberry," Sugar retorted.

THE Buckeye Roadhouse restaurant in Sausalito, California, has the following notice: "Warning: this facility permits smoking and tobacco smoke is known to the State of California to cause cancer." "Warning: drinking distilled spirits, beer, coolers, wine and other alcoholic beverages may increase cancer risk and during pregnancy can cause birth defects." "Warning: preoccupation with government required precautionary notices is known to the proprietors to make you paranoid, boring and no fun at all."

CAROL LEONARD

## Individual names should pool experience and come out fighting

From Marilyn Boorman  
Sir, Where is the forum for worried Names?

As a single woman, I am thoroughly tired of living in limbo, unable to make any long-term plans, or do anything positive about my situation. On the other hand, being bombarded by invitations to join and financially support various groups representing Names' interests.

There is desperate need for consolidated effort by individ-

ual Names. In the short term to secure compensation for non or part payment of Stop Loss policies, and in the long term, compensation for many fundamental issues.

Now is not the time to falter, but how to communicate and organise, that is the problem. I know that Lloyd's is busy placating the big Names, financial institutions and other influential groups whilst we individual Names are largely left to wallow. I think they

hope we will quietly fade away. Financially battered and emotionally drained, most Names must be feeling as I do. But now is the time to start fighting... There is so much we can do to support, encourage and pool experience.

I would welcome ideas. Yours faithfully,  
MERRILYN BOORMAN, The White Lodge, Linton, Maidstone, Kent.

## RoyScot Financial Services will continue to operate

From Mr James Spowart  
Sir, I would like to correct the impression given in your article relating to The Royal Bank of Scotland's results that RoyScot Financial Services is to be closed down. In fact, the bank's announcement related

solely to the fact that the consumer loans arm of RSFS is writing no new business and is running off all current loan accounts.

The other functions of the company, including the Style card operation, are unaffected.

Yours faithfully,  
JAMES M. SPOWART, Managing Director, RoyScot Financial Services Ltd, George House, 36 North Hanover Street, Glasgow.



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Eric Tyler started working as a computer programmer for HP Bulmer, the cider maker, twenty-one years ago.

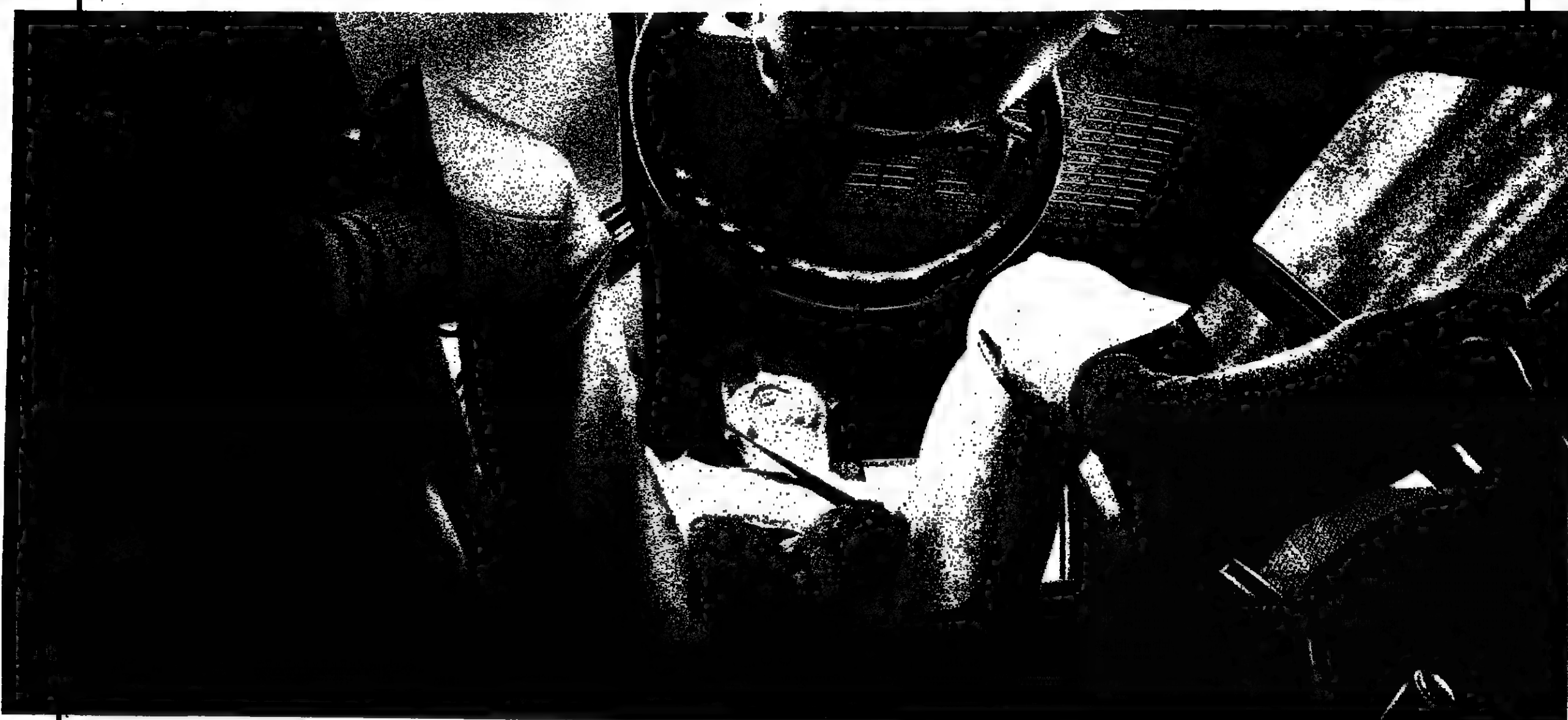
Today, he's still at Bulmers. Now he's a senior analyst/programmer. He has to identify the source of any problems in the company's computer programs and correct them.

But Eric can't operate his computer with his hands. So instead he taps the keys with a pencil held in his mouth.

## HE'S DRIVING WITH HIS FEET.

And why not? After all, he operates all of his car's controls, even the radio, with his feet.

He has to. When he was ten years old Eric contracted polio. It left his right arm paralysed and his left arm with no more than the slightest movement.



## AND WHY NOT?

But as you see, the polio hasn't paralysed Eric.

## HE OPERATES A

Like many people with disabilities he has developed new abilities to compensate.

## COMPUTER

But even he sometimes needs a little practical help.

## WITH HIS MOUTH.

That's where we, the Employment Service, come in.

We supplied Eric with a voice-activated tape recorder so he can take notes in meetings. And we gave him a telephone that's hands-free.

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It'll tell you about the new disability symbol - which tells disabled people that you'll give them an equal chance.

Most important of all, our booklet will demonstrate why they often make excellent employees.

Whatever they turn their hands, mouth or feet to.









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## LAW

● AFTER ROSEHAUGH 31  
● LAW REPORT 32

# A talking shop with teeth

Could arbitration with penalties curb press abuse? Frances Gibb reports

Public pressure for the newspaper industry to set up machinery to compensate victims of press misconduct or inaccuracy is growing in the build-up to Sir David Calcutt's second report in the new year on press self-regulation. Last week, at the first Times Legal Forum co-hosted with Rubinstein Callingham Polden & Gale, the law firm, on the subject of privacy, the overwhelming call from the audience of 500 lawyers, journalists, students and others was for an arbitration scheme with power to settle complaints from the public and award compensation.

Without action, the pressures for legislation to curb invasions of privacy in the aftermath of the "Dianogate" and David Mellor affairs may prove irresistible. The random audience at the debate was only narrowly against new laws on privacy, despite support from them from leading QCs. However, all agreed that self-regulation in its present form is not working.

The idea of an arbitration scheme was floated by Lord Williams of Mosyn QC, the 1992 Bar chairman, as a means of plugging the gap left by the defects of the defamation laws. He attacked the present system as "a mess", with awards an "arbitrary lottery with no certainty or tariff".

A new small claims scheme funded by press proprietors would have a panel with power to award compensation up to £5,000 and to direct that

a correction be published. There would be no right of appeal.

But Lord Williams also urged developing the law on breach of confidence into a new civil law of privacy which would afford rights even to the rich and famous. A new tort of breach of privacy, he proposed, could cover entering private property without consent, to obtain personal information with a view to publication. It could also cover taking photographs from outside the property for publication without consent.

There would be defences, such as if the action was to prevent, detect or expose crime, to protect public health or safety, or if the individual's behaviour in his private life affected his public duties or was hypocritical.

Backing for a new civil law of privacy also came from Sir Louis Blom-Cooper, QC, former chairman of the Press Council, who said privacy could be defined in terms of the extent to which people lost control over personal information. Those in public positions might forfeit some or all of their right to be free of invasion of privacy; it would be for the courts to apply a test of whether publication was of "legitimate concern to the public".

Sir Louis also urged a wide-ranging review of the law of defamation. "A new Defamation Act should abolish criminal libel, provide a statutory definition of defamation, overhaul the existing defences and,



The Times Legal Forum: readers listen to arguments for and against press freedom

above all, shift the burden of proof... from the defendant to the plaintiff," he said.

The opposing case came first from Lord Bonham-Carter, the Liberal Democrat peer, who said that secrecy in Britain was endemic "the most important thing is to preserve freedom of expression, and this needs strengthening rather than otherwise". He would

**'All agreed that self-regulation in its present form is not working'**

be very hesitant, he said, about placing new legal curbs on the press until article 10 (on privacy) of the European Human Rights Convention had been incorporated into British law. But if the Press Complaints Commission was to work, it needed to be given "muscle". He proposed that each newspaper should hand over a bond each year, calcu-

lated according to its circulation and to be forfeited in the case of serious misconduct.

Simon Jenkins, the former editor of *The Times* and a member of the Calcutt committee which produced the first report leading to the creation of the PCC, warned of the array of laws under which the press already operates. Victims of press misconduct already have legal remedies, he said. Despite recent flagrant breaches of the press code of conduct (such as the publication of Norman Lamont's credit card details), press behaviour is not worse than it has been in the past; in some respects it is better.

Even the most public figures do have some right to privacy and that ought to be acknowledged by newspapers," he said. But he was strongly critical of the PCC: this has not worked as envisaged by Calcutt. It has failed to react to appropriate public exhortations to recent breaches of the code; it has not set up a "hot line" for the public as recom-

mended; and it does not entertain complaints from third parties.

The debate, chaired by Lord Woolf and the first of a planned *Times* series, coincides not only with Calcutt but with moves in Parliament. Clive Soley MP, who is promoting a bill to protect people against press intrusions and regulate standards, said: "The ordinary citizen has the right to expect news to be reported accurately." He called for an independent regulatory authority to oversee this.

The spectre of legislation is looming large. Alastair Brett, *The Times* company solicitor, said: "The single strong message to come from this debate is the need for the press to put its house in order and set up an arbitration scheme as was recommended by Lord Justice Neill in his report on defamation last July. This might start by dealing with libel, but it could extend to privacy. Without it, the press is unlikely to avoid statutory intervention."

# Let the courts have recourse to Hansard

WHEN courts interpret an ambiguous statute, what could be more absurd than a rule of law which prevents them from looking in *Hansard* to see what was intended when the relevant Bill was debated? The decision of the Appellate Committee of the House of Lords in the income tax case of *Pepper v Hart* to revoke that rule and allow recourse to *Hansard* (Lord Chancellor Mackay dissenting) is a very welcome development.

As Mr Justice Holmes of the US Supreme Court explained, "a word is not a crystal, transparent and unchanged; it is the skin of a living thought". Looking at *Hansard* will make it more likely that statutory construction will achieve its purported objective of ascertaining the thoughts behind the words used by Parliament. To adopt the language of Lord Macnaghten in a 1903 judgment, "with the light before him, why should he shut his eyes and grope in the dark?"

The rule prohibiting recourse to *Hansard* encouraged hypocrisy and unfairness. In difficult cases, as Lord Griffiths acknowledged, many judges would, understandably, take a peek at *Hansard* in the privacy of their rooms, and be influenced by what they found. Yet counsel had no opportunity on behalf of their clients to draw judicial attention to other relevant passages. Lord Browne-Wilkinson, in the main speech, explained the limits of the change. Reference to parliamentary materials is to be permitted only where legislation is ambiguous or obscure, or leads to an absurdity; the material relied on consists of statements by a minister or other promoter of the bill; and those statements are clear. These limits will confine additional legal costs, the expenditure of which are justified by the contribution which reading *Hansard* will make to the promotion of justice.

Broader questions are raised by the case of *Pepper v Hart*. There is a need for more effective ministerial and parliamentary control over the conduct of the Inland Revenue. No other government department would think it proper to pursue taxpayers, as in this case, in defiance of clear statements made by ministers during the passage of the relevant legislation as to its scope. The case also raises the sensitive question of whether respect for the separation of

powers and for justice being seen to be done are compatible with the Lord Chancellor—a member of the Cabinet—sitting on the supreme judicial tribunal of the land to hear an important appeal involving another Government department. Nobody would question the impartiality of the Lord Chancellor. Indeed, he found in favour of the taxpayers. But his lone dissent on the use of *Hansard* was for reasons of cost, essentially a departmental concern.

More fundamentally, the case invites assessment of whether the object of statutory interpretation should be to ascertain the intentions which Parliament had when enacting the legislation. Reading *Hansard* will often reveal a narrow, illiberal intention by lawmakers. Had the Appellate Committee of the House of Lords looked at *Hansard* in last year's marital rape case, it would have seen that the relevant legislation was probably intended to preserve a husband's immunity from prosecution. In the light of *Pepper v Hart*, ministers will be advised to be especially careful what they say in Parliament lest their words be quoted against the government in court years later.

The House of Lords was not considering to what extent we should be ruled, in hard cases, by the views expressed by legislators in 1942 or 1952. Reference to *Hansard* is now permissible, but judges have the last word on the proper interpretation of a statute. They are not obliged to give priority to statements in Parliament.

They should continue, where possible, to seek to construe an ambiguous statute in a manner which best advances desirable social goals, such as the protection of fundamental human rights. Indeed, there is high authority that once the law has been drafted, the views of the lawmaker are irrelevant to the interpretation of a statute. According to rabbinical law as stated in the Talmud, on one occasion God sought to intervene to explain what he had meant by the ambiguous biblical statement of an obligation. But he accepted a rebuke from one of the scholars who pointed out that God had handed down the law and had left it to each generation to interpret its provisions. "God smiled and said, 'My sons have defeated me'."

● The author is a practising barrister and a Fellow of All Souls College, Oxford.



**COUNSEL**  
**DAVID**  
**PANNICK QC**

With too few judges, the commercial court could soon grind to a halt

Leading City institutions are rallying in support of the commercial court which faces an acute shortage of judges. Bodies, such as the Stock Exchange, Baltic Exchange, British Bankers' Association and Grain and Feed Traders' Association, all court users, are likely to lead support to an unprecedented submission to ministers by the senior judge of the court, Mr Justice Saville, warning that the court's business is grinding to halt.

In his draft paper, the judge says the court's list is "in complete disarray with no realistic prospect of being able to restore order. There is insufficient judicial manpower to deal with the cases stood out [postponed], let alone cope with the existing list as it comes forward. The carefully nurtured reputation of the commercial court is at risk of being lost".

London's commercial law firms are also voicing concern. Anthony Pugh-Thomas, head of litigation at Lovell White Durrant, says: "We have clients raring to go the week after next, and we have to tell them they won't be heard until next April." It is causing "considerable inconvenience" to clients, as well as being a "matter of embarrassment to the profession". Clients come to London because of the speed and quality of justice. In 80 per cent of the cases in the commercial court, one party is foreign; in 50 per cent, both. They may now be tempted to find some other forum for their disputes. Mr Pugh-Thomas, a member of the commercial court users'

# Business no longer as usual

committee, believes that there are plenty of other countries waiting for the chance to become the centre for commercial disputes.

His comments are echoed by Michael Sirena, of Richards Butler. "People choose to use the commercial court because they have a clause on their contracts saying that this is where any dispute would be litigated," he says. The danger is that contracts in future would write in other dispute centres. The delay is "self-destructive" in terms of the nation's economy.

Ian Taylor, head of litigation at Freshfields, describes the judge's shortage as "a serious problem". "A large number of commercial fixtures are being stood out at extremely short notice and clients do get upset." The danger, he says, is that clients will not be able to persuade witnesses to come to court a second time and will be unable to pursue the dispute. "Sooner or later, people are going to stop bringing cases to the commercial court." In the commercial court, not only is the

quality of justice put at risk, but large-scale invisible earnings: the court is estimated to generate £500 million in foreign exchange each year.

Delays are a particular blow because the court has pioneered a speedy service geared to customers' needs. "That's why it attracts 2,000 cases a year," says Charles Plant, head of litigation at Herbert Smith. One benefit is the allocation of one judge to a case from the start, who handles all preliminary hearings. With a shortage, there is a danger that different judges will handle the pre-trial stages and "you will come to trial without the issues as defined as they might have been".

The judicial shortage is affecting the whole High Court, Lord Taylor. Lord Chief Justice, has described delays as "scandalous" and approaching a "national disgrace". In October the Lord Chancellor, with the Lord Chief Justice, set up a review of High Court judicial manpower. He has also promised two more commercial court judges. But Mr Justice Saville says that because of delays elsewhere, Lord Taylor cannot spare them. Instead of six judges, Mr Saville expects that by next term there will only be four, three of them tied up on long cases. "That leaves one judge to handle the work of six. Unless something is done now, the commercial court next term will cease to operate."

FRANCES GIBB

# Bench presses

NOT content with talk of shedding wigs, judges and barristers are stripping down to singlets and shorts.

Assistant recorders, QCs and junior barristers of both sexes have joined up for a regular aerobics session.

"They are pretty good," says their instructor, Alison Katz. "Not too young, not chickens, but a really good laugh when they get their robes off. They say that if they have a difficult case the next day, it can give them a new lease of life."

Perhaps we can look forward to a knock-on effect in the quality of pronouncements from the bench.

## Credit conscious

RISES of between 30 and 200 per cent in county court fees (for the cost of taking out a summons, obtaining a possession order and so on) are "unreasonable", says the County Court Users' Association. In most cases the fees will have to be recovered from those against whom proceedings are being taken, and who are least able to bear them. "The result may be that the

# INNS AND OUTS

Called to the bar



credit industry will reduce the number of summonses issued, which will reduce the fee income derived from the county courts," it says.

## Valued readers

WHO would launch a property law journal when property is going through its worst recession for years? Andrew Dent, the managing director of Oxford-based Cardinal Publications, would. What is more, he is optimistic about

the future for his *Property Review*. "Difficult times mean it has become important for advisers to be up to date with legal developments that may dramatically affect the interests of clients," he says.

## Keeping quiet

CLIENTS like being asked what they think of their lawyers, according to a survey of Fortune 500 corporate counsel by the American management consultants, Altman Weil Pensa. Seventy per cent believed that satisfaction surveys were "critical" or "important" but fewer than 50 per cent had ever been formally surveyed by their lawyers.

Over 50 per cent also thought that a satisfaction survey provides an opportunity to "candidly discuss fees, costs or other concerns," which probably explains why the law firms are reluctant to ask their views.

## Royal authority

SHOULD the Princess of Wales sue to protect her intellectual property rights in the "squidgy" tapes? asks London

law firm Laytons. "The author of the copyright work is the person who originates the language that is recorded, so the people taking part in the telephone conversation own the copyright jointly."

By copying the recording and sending it to the newspapers, the eavesdropper may have breached their copyright. It may also have been a breach of confidentiality.

"It would appear that a telephone conversation, meant for one-to-one communication is meant to be kept confidential," and under case law first established by Prince Albert (when a printer made illegal copies of some drawings by Queen Victoria), the courts may hold that there has been a breach.

## Expensive kick

TAWANA HAMMOND almost became her American high school's first female footballer. But not quite. After allegedly suffering severe internal injuries in her first match, she is suing the school for \$1.5 million on the grounds that it should have informed her of the risks.

But the defence claims that that would have breached a law prohibiting sex discrimination in schools.

SCRIVENOR

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Unusual new instruction working for international fund management company based in Geneva. Role will involve liaising with lawyers in Eastern Europe and the United States, monitoring documentation, new funds and other investment products. Fluent French and/or German a pre-requisite.

### SYDNEY

New instruction from medium/large City firm seeking number two employment specialist (mixed contentious and non-contentious) for key role in newly formed, high profile employment group. Excellent quality work and scope for individuality.

### COMPETITIVE

French lawyer, bilingual in English, sought by highly regarded City practice for key role interfacing between its English and French legal teams. Plenty of client contact and marketing involvement.

### COMPETITIVE

High profile international television group seeks solicitor with not less than 2, nor more than 4, years' post-qualification company/commercial experience. General in-house counsel role. Media experience desirable. Training at leading City/Provincial firm and strong, outward-going personality pre-requisites.

### GENEVA

Unusual new instruction working for international fund management company based in Geneva. Role will involve liaising with lawyers in Eastern Europe and the United States, monitoring documentation, new funds and other investment products. Fluent French and/or German a pre-requisite.

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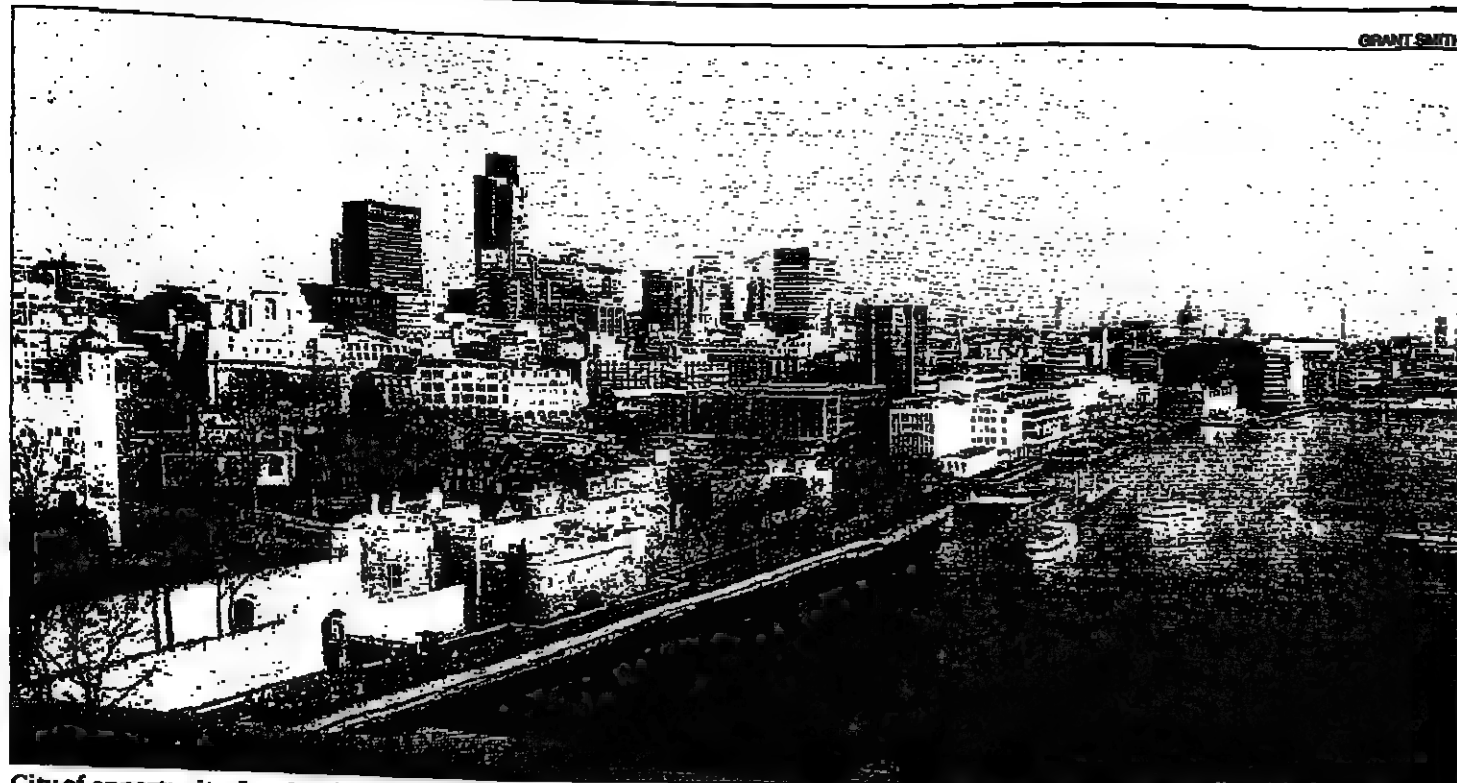
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City of opportunity: London firms may be losing some business to provincial practices but there are still plenty of overseas investors

## Rising with the tide

Edward Fennell reports on how firms are weathering the property slump

Stories from the property world last week included the kind of bad news developers have become all too used to expecting, but there was a difference — the news was even more sensational than usual. Rosehaugh, the glamour company of the late 1980s, was forced to call in the receivers. Trafalgar House announced a pre-tax loss of more than £30 million. And MEPC reported a profit fall of about a quarter while its chairman made dire warnings about the disastrous consequences of government proposals on contract rules.

Law firms whose property departments are still afloat have become immune to such depressing reports. They have been stripped down for survival, with hardened, experienced crews. There is little hope for calm weather but, despite last week's events, there are signs that storm conditions may be easing.

The most important evidence of this was the sale last Wednesday of the Suttons business park in Reading, Berkshire, to Standard Life for £62.5 million. Believed to be the largest disposal ever of a single industrial estate in the UK, it was handled by the property department of Turner Kenneth Brown, the London solicitors. According to Catherine Usher, the TKB property department's managing partner, it is a sign that buyers are becoming

more active. "The market has shrunk, there is no easy money, there is a shortage of tenants and planning is more difficult. However, we have adapted to the new conditions and slumped down, and we are now busy because there is renewed activity in the market," she says.

Much of that activity is coming from overseas. Virtually every leading London property practice has had contact with newly arrived German investors. The effect of Black Wednesday has been to make London an attractive investment prospect for Germans who are disillusioned, or even fearful, of prospects for their own economy. Joy Taylor of Mackenzie Woods says: "Foreigners have far more confidence in London than the English do. They still see it as a very safe place to invest and more attractive than ever since we came out of the exchange-rate mechanism."

But, as Paul Johnson of Richards Butler emphasises, it would be

unwise to view such developments as anything more than a window of opportunity. Overseas investors — particularly Germans, Chinese, Taiwanese and Middle-Eastern Arabs — are making the most of what could be a fleeting chance of profit.

Linklaters & Paines, for example, is still doing well out of commercial property, especially with German investors. With characteristic confidence, it says that when it comes to complex work, clients will always want the services of a top firm.

Which is not true of more routine transactions. This is where the second-rank London outfits are coming under pressure from regional rivals. Among lawyers in Bristol, Birmingham and Leeds, there is a certain smugness at London's discomfort, especially because they are winning clients in the South-East with the offer of high-calibre legal services at half the London rate.

"We're doing more work east of Reading than west of Reading

right now," says Iain Fairbairn, a property partner with Bevan Ashford in Bristol. "What people now want is value for money and we can offer clients, particularly those in the M25 area, as good and accessible a service at a fraction of the price."

Bevan Ashford has won a particularly strong reputation for itself in working for the new-style National Health Service. Regional health authorities and NHS trusts, in a state of transition and hungry for money, are trying to make the most of their property portfolios. Bevan Ashford reckons it is doing more property work of this kind than any other firm in the country.

The same is also likely to develop with local authorities. The impending contracting-out by local authorities of legal services could bring some property work, which has traditionally been done by in-house legal departments. A good track record in that area would be an important asset when it comes to tendering for contracts.

Pinsent & Co. of Birmingham, for example, is looking forward to working with local authorities in the West Midlands and already has relevant experience through dealing with clients such as the National Exhibition Centre. So while the caviar and champagne transactions may be long gone, the bread and butter work remains for those with the stomach for it.

## Guilty before the law — but quite legal at the time

The Court of Appeal recently handed down judgment in a ruling that could make farmers liable for polluted water based on chemicals put into the land 50 or more years ago.

The decision, which could unleash a wave of environmental litigation, will do little to improve the environment, much to line the pockets of lawyers and threaten the prospects of economic recovery. Since it affects the liabilities of businesses, its impact on jobs may be significant.

The judgment was for a sum in excess of £1 million against Eastern Counties Leatherworks in favour of Cambridge Water. Eastern Counties had polluted the local water table 17 years ago by accidental spillages of PCE, the chemical perchloroethylene (a widely used de-greasing agent). Ten years ago, Cambridge Water sank a bore hole in the area and extracted water for the public supply.

Three years later, as part of an EC-inspired improvement scheme, the water was tested and excess levels of the chemical were found. Cambridge Water had to abandon the bore hole and seek an alternative source.

The water company's claim was dismissed in July by Mr Justice Kennedy in the High Court, who said: "That there should be an award of damages in respect of the 1991 impact of actions that were not actionable when they were committed 15 years before is, to my mind, not a proposition the common law would entertain." But in November, the appeal court held otherwise. Not only was it actionable, but liability was strict, so negligence did not have to be proved. The court also ruled that the fact that EC standards had changed after the pollution had ceased was irrelevant.

The case will be hailed as a victory by the environmentalists. It also demonstrates the ability of judges to conjure up new liabilities out of old cases. The judgment has opened the door to retroactive pollution liability which even the most radical EC

Retroactive liability for pollution will hold water, says the appeal court

commissioner would fight shy of. Furthermore, it has done so without having to answer to any electorate for the economic damage such a ruling might inflict.

Some will argue that this is a victory for the principle that the polluter must pay. For generations we have enjoyed the benefits of consumer goods which have been produced without due care for the environmental repair costs of our consumption. In short, we cheat on our children by having our consumption subsidised by the destruction of the planet.

laying down a rule to be applied 100 years later in different circumstances, and with vastly different consequences.

The present court's refusal to take changes in environmental standards into account may be right in law but will stick in the gut of those who have conducted their businesses by the standards of the day without the benefit of a judicial crystal ball. Its implications for industry and for insurers could be menacing. It could add to the troubles of Lloyd's and insurance companies, with claims being made against old policies. Industry will be looking for cover against liabilities which were not even perceived at the time the policy was written and where the underwriter took no premium to fund the risk.

To industries with a dirty past, but which were looking to a cleaner future, the sudden imposition of retroactive liability in this way threatens investment plans, threatens security of employment and makes it much more difficult to persuade insurers to carry the environmental risk in the future.

Eastern Counties is to seek leave to appeal to the House of Lords. It would be ironic if this decision, having been brought about by a water company, is then used against the water industry, which has a far from blemish-free pollution history.

As for the insurers, such decisions can only reinforce their reluctance to provide environmental liability coverage. Indeed, this further example of long-tail liability, where the underwriter judges a risk by the standards of one day, only to have to pay the claims by the standards of another, points towards the maintenance of a total pollution exclusion. Whether or not the decision is right in law will be debated by lawyers and academics for years to come; that it is a decision that our economy can ill afford is already obvious.

ALAN FISHER

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# Deception in consent means theft Judge to examine immunity claim

Regina v Gomez

Before Lord Keith of Kinkel, Lord Jauncey of Tullichettle, Lord Lowry, Lord Browne-Wilkinson and Lord Slynn of Hadley  
[Speeches December 3]

An act done with the authority or consent of the owner could amount to an appropriation of goods for the purposes of the Theft Act 1968 where such authority or consent had been obtained by deception.

The House of Lords (Lord Lowry dissenting) allowed an appeal by the Crown from the Court of Appeal, Criminal Division (Lord Lane, Lord Chief Justice, Mr Justice Hutchison and Mr Justice Mannell) (*The Times* April 24, 1991; [1991] 1 WLR 1334), who had allowed an appeal by Mr Edwin Gomez against his conviction at Isleworth Crown Court (Mr Recorder Basingthwaite) on two counts of theft contrary to section 1(1) of the 1968 Act.

Section 1 provides: "(1) Any assumption by a person of the rights of an owner amounts to an appropriation...".

Mr Michael Austin-Smith, QC and Mr Philip Shorrock, QC for the Crown; Mr Anthony Hacking, QC and Mr James Pavy for the defendant.

LORD KEITH said that the appeal raised the question whether two decisions of the House of Lords on the proper construction of sections 1(1) and 3(1), *R v Lawrence (Alan)* [1972] AC 626 and *R v Morris (David)* [1984] AC 320, were capable of being reconciled and, if so, in what manner.

The question had given rise to much debate in subsequent cases and academic writings. The defendant had been employed as assistant manager at a shop trading in electrical goods. He had been asked by an acquaintance, Bailey, to supply goods from the shop and accept payment by two stolen building society cheques for £7,950 and £9,250, undated and bearing no payee's name.

The defendant had agreed and prepared a list of goods to the value of £7,950, which he had submitted to the manager, Mr Gilbert, saying that it represented a genuine order by one John and asking him to authorise the supply of the goods in return for the cheque for

that amount. Mr Gilbert had instructed the defendant to confirm with the bank that the cheque was acceptable and the defendant had later told him that he had done so and that such a cheque was "as good as cash".

Mr Gilbert had agreed to the transaction, the defendant had paid the cheque into the bank and a few days later Bailey had taken possession of the goods, the defendant helping him to load them into his vehicle.

Shortly afterwards, a further consignment of goods to the value of £9,250 had been ordered and supplied in similar fashion (apart from one item not delivered) against the second cheque. Mr Gilbert had agreed to that transaction without further enquiry. The two cheques had been returned by the bank marked "Orders not to pay. Stolen cheque."

The defendant, Bailey and another employee, Rai, had been tried on an indictment counts 4 and 5 of which had charged all three with theft contrary to section 1(1) in respect of the two transactions.

After evidence had been led for the prosecution, counsel for the defendant had submitted that there was no case to answer on the theft charges because Mr Gilbert had authorised the transactions so that there had been no appropriation within the meaning of section 1(1).

The recorder had rejected that submission, whereupon the defendant had pleaded guilty to count 4 but defended himself on count 5 on the basis that he had acted under duress. The jury, however, had convicted him.

In the Court of Appeal, after considering *Lawrence* and *Morris*, the Lord Chief Justice had said (in [1991] 1 WLR 1334, 1339-1340):

"We... conclude that there was a *de facto*, albeit voidable, contract between the owners and Bailey; that it was by virtue of that contract that Bailey took possession of the goods; that accordingly the transfer of the goods to him was with the consent and express authority of the owner and that accordingly there was no lack of authorisation and no appropriation."

Viscount Dilhorne's speech in *Lawrence*, where a taxi driver had dishonestly taken £5 from an Italian taxi waiter in addition to £1 already proffered, for a 10s 6d journey, contained two clear pronouncements: first, that it

was no longer, after the passing of the 1968 Act, an ingredient of theft that the taking should be without the owner's consent; secondly, that an appropriation might occur even though the owner had permitted or consented to the property being taken.

In *Morris*, where two customers in supermarkets had dishonestly exchanged the price labels on goods for labels showing lesser prices, Lord Roskill had said (at pp331-333) that the assumption by the defendant of any of the rights of an owner could amount to an appropriation within the meaning of section 1(1) of the 1968 Act and that the removal of an article from the shelf and the changing of the price label on it had constituted the assumption of one of the rights of the owner and hence an appropriation within the meaning of the subsection.

There were, however, observations in the passage that, with the greatest possible respect to Lord Roskill, his Lordship had regard as having been unnecessary for the decision of *Morris* and as being incorrect.

On the first place, it seemed to his Lordship that the switching of price labels on the article was in itself an assumption of one of the rights of the owner, whether or not it was accompanied by some other act such as removing the article from the shelf and placing it in a basket or trolley.

No one but the owner had the right to remove a price label from an article or to place a price label on it. If anyone else did it, he did an act, as Lord Roskill had put it, by way of adverse interference with or usurpation of that right.

That was no less so in the case of the practical joker figured by Lord Roskill than in the case of one who made the switch with dishonest intent.

The practical joker, of course, was not guilty of theft because he had not acted dishonestly and did not intend to deprive the owner permanently of the article.

So the label switching in itself constituted an appropriation, and so to have held would have been sufficient for the dismissal of both appeals in *Morris*.

On the facts of the two cases it had been unnecessary to decide whether the mere taking of the label from the shelf and putting it in a trolley or other receptacle amounted to the assumption of one of the rights of the owner and

hence an appropriation. There was much to be said in favour of the view that it did, in respect that doing so gave the shopper control of the article and the capacity to exclude any other shopper from taking it.

However, Lord Roskill had expressed the opinion that it did not, on the ground that the concept of appropriation in the context of section 1(1) of the 1968 Act "involves not an act expressly or impliedly authorised by the owner but an act by way of adverse interference with or usurpation of those rights".

While it was correct to say that appropriation for purposes of section 1(1) included the latter sort of act, it did not necessarily follow that no other act could amount to an appropriation and in particular that no act expressly or impliedly authorised by the owner could in any circumstances do so.

Indeed, *Lawrence* was a clear decision to the contrary since it had laid down unequivocally that an act might be an appropriation notwithstanding that it was done with the consent of the owner. No sensible distinction could be made in that context between consent authorised by the owner and consent authorised by the owner in any circumstances do so.

In the civil case of *Dobson v General Accident Fire and Life Assurance Corporation plc* [1990] 1 QB 274 the Court of Appeal had considered the apparent conflict between *Lawrence* and *Morris* and applied *Lawrence*.

There was no material distinction between the facts of *Dobson*, which had been correctly decided, and those of the present case.

*Lawrence*, which also made it clear that it was irrelevant that what had happened might also have constituted the offence of obtaining property by deception under section 15(1) of the 1968 Act, had been a clear decision of the House of Lords on the construction of "appropriation" in section 1(1) that had stood for 12 years when *Morris* had been thrown on it by *obiter dicta* in *Morris*.

*Lawrence* had to be regarded as authoritative and correct, and there was no question of it now being right to depart from it.

Lord Slynn agreed with Lord Keith, Lord Browne-Wilkinson delivered a concurring speech and Lord Jauncey agreed with both; Lord Lowry delivered a dissenting speech.

Solicitors: Crown Prosecution Service, Headquarters; Vassallo & Dillon, Acon.

Regina v K (D T)

Before Lord Taylor of Gossforth, Lord Chief Justice, Mr Justice Potts and Mr Justice Judge  
[Judgment November 25]

Where public interest immunity was claimed for a document, the judge could rule on the competing claims of immunity and fairness to the party claiming disclosure only if he had himself examined the evidence in dispute.

Thus a material irregularity occurred during the course of a trial when an application by the defendant for production of a video tape of a therapeutic family interview at Great Ormond Street Hospital for Sick Children was refused by the judge without his having examined the tape to ascertain whether, as claimed for the defendant, it might have contained relevant material about the integrity of the evidence of two boy complainants.

The tape was viewed by the judges of the Court of Appeal and the Lord Chief Justice stated that their Lordships were satisfied that to order disclosure was inappropriate in the circumstances.

The conviction was upheld by application of the proviso to section 2(1) of the Criminal Appeal Act 1968.

Miss Heather Hallett, QC, who appeared below, and Miss Tanoo Mykaganam, assigned by the Registrar of Criminal Appeals, for the appellant; Mr Ian Faint, who did not appear below, for the Crown; Mr Richard Tyson for the hospital, who attended at the court's request and produced the tape to their Lordships.

THE LORD CHIEF JUSTICE, giving the judgment of the court, said that counsel for the appellant had made it clear that the reason for the application was that the video might have contained relevant material as to the integrity of the evidence of the boys and any possibility of its contamination or influence upon it.

As the application of the hospital was represented and raised public interest immunity as an objection to disclosing the tape. Unfortunately the Crown was not present. Their Lordships wished to say that, if an application of that kind was to be made in any such case, it would be desirable that the Crown should be represented at the hearing.

After hearing argument from both sides the judge ruled on the application. There was no corroboration of the two young boys' evidence and all turned on their reliability. The therapeutic video tape might have shown discrepancies in their stories.

The conviction was upheld by application of the proviso to section 2(1) of the Criminal Appeal Act 1968.

On behalf of the debtor, Mr Drew had contended in the alternative:

1 That clause 7(a) should not be read as a guarantee of payment by directors, who had done no more than undertake to take all steps open to them to procure due payment by the company.

2 That from the date of presentation of the petition to wind up the company it had become legally impossible for the directors to procure payment by the company of RGC's bill, so that the directors' contract to procure then became frustrated.

3 That the agreement of March 8, 1991 should be strictly construed *contra proferentem*, and as being only upon such services and costs as were thereafter provided and incurred; thus the invoice of March 21 required severance between pre and post-March 8, 1991 services and costs.

Since that had never been done, there had never been any liquidated debt owed by the debtor to RGC within section 257 of the Insolvency Act 1986.

As to those arguments:

1 However construed, an obligation "to procure" payment could not be watered down to a mere duty "to use one's best endeavours" to do so.

2 Adopting Lord Reid's analysis of guarantees in *Moschi v Lep Air Services Ltd* [1973] AC 331, 343,

the court had been referred to *Berry v Berry* [1987] Fam 11. The Court of Appeal had reluctantly decided that an appeal from the refusal of justices to remit a wife's arrears of periodical payments was by way of case stated while an appeal from the refusal to vary periodical payments was by notice of motion.

It was clear from section 94 of the 1989 Act that an appeal from the justices against the making of any order or any refusal to make such an order was to the High Court by notice of motion.

However, there had been manifest irregularities in the procedure adopted by the justices. It was plain that the chairman had announced the decision in breach of rule 21 of the Family Proceedings Court (Children Act 1989) Rules (SI

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At the very least, Miss Hallett submitted, the judge should have seen the video himself before ruling whether it should be admitted or whether the public interest immunity claim should prevail.

In fairness to the judge, he was not specifically asked by the appellant's counsel to view the video, nor was it suggested by anyone at the trial. However, it was conceded on appeal on behalf of the Crown that the judge could not properly have ruled without himself seeing the video.

Their Lordships agreed with that view. The exclusion of the evidence without an opportunity of testing its relevance and importance amounted to a material irregularity.

When public interest immunity was claimed for a document, it was for the court to rule whether the claim should be upheld or not. To do that involved a balancing exercise. That exercise could only be performed by the judge himself examining or viewing the evidence, so as to have the facts of what it contained in mind. Only then could he be in a position to balance the competing interests of public interest immunity and fairness to the party claiming disclosure.

Their Lordships recognised the hospital's legitimate concern that interviews which were conducted on a confidential basis for therapeutic purposes ought not, unless

the interests of justice required and demanded, to be disclosed outside the family circle of those who were the subject of the case conference and the service which was conducting it.

However, where the liberty of the subject was in issue and disclosure might be of assistance to a defendant, a claim for disclosure would often be strong.

Having had the opportunity of seeing the video tape, their Lordships were satisfied that it would not have been appropriate to order disclosure, and the question of application of the proviso to section 2(1) of the Criminal Appeal Act 1968 arose.

Miss Hallett submitted, understandably, that she was in some difficulty in making any helpful comment about the application of the proviso without seeing the video. Nevertheless, their Lordships took the view that, since the hospital was maintaining its claim for public interest immunity, it was not possible to have degrees of immunity.

Having concluded that it would have made no difference to the trial, their Lordships concluded that no restriction should properly be placed on the application of the proviso. It was an appealing case, the proviso had to be applied and leave to appeal against sentence was refused.

Solicitors: CPS, Central Courts; Field Fisher Waterhouse.

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the court had been referred to *Berry v Berry* [1987] Fam 11. The Court of Appeal had reluctantly decided that an appeal from the refusal of justices to remit a wife's arrears of periodical payments was by way of case stated while an appeal from the refusal to vary periodical payments was by notice of motion.

It was clear from section 94 of the 1989 Act that an appeal from the justices against the making of any order or any refusal to make such an order was to the High Court by notice of motion.

However, there had been manifest irregularities in the procedure adopted by the justices. It was plain that the chairman had announced the decision in breach of rule 21 of the Family Proceedings Court (Children Act 1989) Rules (SI

2(1) of the Criminal Appeal Act 1968.

On behalf of the debtor, Mr Drew had contended in the alternative:

1 That clause 7(a) should not be read as a guarantee of payment by directors, who had done no more than undertake to take all steps open to them to procure due payment by the company.

2 That from the date of presentation of the petition to wind up the company it had become legally impossible for the directors to procure payment by the company of RGC's bill, so that the directors' contract to procure then became frustrated.

3 That the agreement of March 8, 1991 should be strictly construed *contra proferentem*, and as being only upon such services and costs as were thereafter provided and incurred; thus the invoice of March 21 required severance between pre and post-March 8, 1991 services and costs.

Since that had never been done, there had never been any liquidated debt owed by the debtor to RGC within section 257 of the Insolvency Act 1986.

As to those arguments:

1 However construed, an obligation "to procure" payment could not be watered down to a mere duty "to use one's best endeavours" to do so.

2 Adopting Lord Reid's analysis of guarantees in *Moschi v Lep Air Services Ltd* [1973] AC 331, 343,

## Possible duty not to evict trespassers

South Hams District Council v Shough and Others

Before Lord Justice Nourse and Lord Justice Staughton  
[Judgment December 2]

The failure by a county council to provide adequate accommodation for gypsies in its area could have the result of imposing a duty on a district council not to evict trespassers on its land who claimed to be gypsies.

The Court of Appeal so held in reserved judgments dismissing an appeal by South Hams District Council from an order by



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# When Uncle Joe was a matinee idol

FILM: Geoff Brown makes some fascinating discoveries at an Italian festival exploring the dark corners of cinematic history

Everybody loves him: Comrade Stalin, the people's friend, who tirelessly strives to uphold Lenin's tenets and spread happiness, prosperity and five-year plans throughout the Soviet Union. Though great affairs weigh upon him at the Kremlin, he still finds time to enjoy birdsong, chat with peasant mothers, and pass the time in Red Square. Always benign, always in pristine condition: more like a statue or a fine waxwork replica than a human being.

This is the Stalin of Soviet cinema, famously impersonated by Mikhail Gelovani in more than 20 worshipful films of the Thirties and Forties. One of the most extravagant, *The Fall of Berlin*, was screened on November 22 to general amazement at the London Film Festival. It surfaced again the following week at Bologna's sixth festival of "Cinema Ritrovato", a seven-day celluloid binge devoted to poking in history's corners. The festival offered many wonders, but Gelovani's Stalin reigned supreme, especially when he flew into ruined Berlin, dressed in dazzling white duds, while the flags of all nations rushed to meet him — a God come to earth.

The Bologna event, jointly organised by the Bologna Cinematheque and the 21st Mostra Internazionale del Cinema Libero, had two chief programming strands. One section surveyed European cinema's turbulent transition to sound. The other investigated the ways Stalin, Hitler and Mussolini used cinema to strut their egos and mould the masses' minds. Few film festivals I have recently attended have been so physically arduous; none has proved so mentally stimulating, so packed with provocations.

For the totalitarian section, the organisers scoured the archives for features, documentaries and newsreels, many unseen since their original release. In 1953 Stalin's death prompted *The Great Sorrow*, a lush feature-length account of his funeral, filmed to eye-popping Sovcolor: the red lining to Stalin's coffin looks so fetching that you want to stroke it. But once Khrushchev came to power and denounced his predecessor, the film itself became a corpse, and the generation of artists who defied Stalin fell under a cloud.

History has been particularly hard on Mikhail Chisareli, perhaps the director most associated

with Stalinist cinema. For in *The Vow* and, particularly, *The Fall of Berlin*, he shows considerable talent for choreographing battles and symbolic gestures. *The Fall of Berlin*, watched to a threadbare but thunderous Shostakovich score, also offers a great vaudeville show, with vivid caricatures of world leaders. Churchill has the right bulldog face and puffing cigar, but looks too tall. Vladimir Savelev's scuttling, crazed Hitler is far more successful, a comic demon who gradually steals this extraordinary film from under Stalin's nose.

Germany and Italy's dictators steered clear of direct representations in fiction films: the newsreels were more their stomping ground. Instead they appeared by historical

**'Dictators needed a talking cinema: without the sound, Mussolini looks like a puffing bullfrog'**

proxy. Veit Harlan's *Der Grosse König* (a mix of stirring battles and depressing stodge) saw Hitler as Frederick the Great: a beleaguered but obstinate leader, devoted to saving the Fatherland.

Over in Italy, Giovanni Forzano's *Campo di Maggio*, long thought lost, presented Mussolini as Napoleon, a charismatic leader with grand imperial dreams. Forzano directs like an enraged bull, and Napoleon himself, dressed in ill-fitting trousers and a creased coat, hardly appears the heroic figure of myth. Yet like Forzano's Fascist chronicle *Camilla Nera*, the film forges ahead with gusto, and never gives in to its faults.

Dictators needed a talking cinema to twist nations round their fingers: remove the sound from a Mussolini speech and you are left with a puffing bullfrog. But their voices were only part of the aural avalanche Bologna offered. Horses' hoofs, fire-engine bells, opera divas, foghorns, stars from music-hall and cabaret: we heard them all, in experimental shorts, hybrid parodies, multi-lingual features and the other strange blooms of the early sound years.

British cinema usually keeps a low profile at festivals of film history. But we earned our place in the sound section with Hitchcock's

*Blackmail* (screened in its silent version), the revue film *Elstree Calling*, Asquith's highly-charged *A Cottage on Dartmoor*, Victor Saville's *Kitty* (novelistic, but endearing), and samples of E.A. Dupont, the top German director who landed in Britain and never quite recovered.

Dupont's work showed the worst perils of the talkies. A silent master of urban atmosphere, he was given two films laden with dialogue, set in confined spaces: the Titanic in *Atlantic*, a lighthouse in *Cape Formentor*. He was also required to direct, shot by shot, in three languages, with three separate casts waiting their turn in the studio: he was working for British International Pictures, and they took the International seriously. The German version of *Atlantic* screened at Bologna was certainly better than its English equivalent, but you still ended up aching for the ship to sink.

Across the channel, they grasped sound more imaginatively. Two films stood out for their music. Plot and images were bizarre enough in Dimitri Kirsanov's *Rope*, a symbolic tale of two mountain communities locked in hate. But the adventurous score of Honegger and Arthur Honegger, with its raging storm effects and prominent part for the wailing oboes, merited, lifted this Swiss film onto a rarefied plane all its own.

Another unexpected treat came with Julien Duvivier's *Les Cinq Gentlemen Maudits*, screened in its German version. The plot itself is nothing special: a Moroccan conjurer prophesies sudden death for five visiting gents, who must solve the enigma before the bell tolls. Effective location work, a young Anton Walbrook, crisp photography, and fascinating set designs from Lazare Meerson give the film stature. The final ingredient is Jacques Ibert's truly intoxicating score, bathed in Mediterranean colour and brittle sounds.

Film festivals from Cannes downwards always thrive on discoveries, even if the discovered film is 60 years old. Like the restorations screened at the London Film Festival, the best of Bologna's "Cinema Ritrovato" showed that film history should never be left just with academics and archivists. We need wider access to cinema's astonishing past, on television, video or in specialist theatres. After all, when lovable Stalin walks the earth, the man deserves a good house.



A great vaudeville show: Mikhail Gelovani as Stalin (above), upstaged by Vladimir Savelev as Hitler (below) in *The Fall of Berlin*



CLASSICAL MUSIC: a virtuoso percussion concerto; stirring Sibelius; the case for a neglected composer; and a rough guide to Mozart

## From here to infinity, for a change

Per Norgard's Percussion Concerto, called *For a Change*, first saw life in 1982 as a solo work for Gert Mortensen; this orchestral version emerged shortly afterwards, but until Sunday's performance by Evelyn Glennie at the Festival Hall it had not been heard in London. Norgard's structure is apparently based on the mathematical concept of an infinity row. The spiritual imagery of the piece, however, comes from the *I Ching*, the Chinese Book of Changes — hence the punning title.

The four conjoined movements represent four of the 64 states of being. But the piece can also be heard straightforwardly as a concerto about itself, a meaty work with a background that varies between noisy, brass-dominated anarchy (in the first movement) and a simple, sweet diatonic euphoria in the accompaniment that recalls the more popular side of Copland.

Norgard is nothing if not eclectic. Or, indeed, it could simply be about virtuosity, though the virtuosity demanded here is less a superficial showing off than something more akin to the demanded in a work like, say, Boulez's Second Piano Sonata: if you ask everything and more of your soloist so that he or she finds the challenge nearly impossible, something extra emerges from the music. So Glennie had to play as even she can never have played before.



Evelyn Glennie: playing as even she has never played before

Anybody who doubts the value of the BBC's expensive staff orchestras need look no further than last Friday's concert at the Royal Northern College of Music in Manchester.

Here was the BBC Philharmonic in powerful form, responding with precision and enthusiasm to the passionate advocacy of Sir Edward Downes in a programme of music that could never hope to pay the bills of a commercial orchestra today, namely the work of Erich Wolfgang Korngold.

Korngold is a fascinating figure. Hailed as a genius by Mahler, Richard Strauss and Sibelius, considered one of the leading composers of the age in the late 1920s, he escaped to Hollywood and became a major influence on the early evolution of film music. Then in his

## Striking Korngold brings rich rewards

last years, now financially and professionally secure, he made an apparently unsuccessful attempt to re-establish himself in "serious" music. The only work that has made any inroads on the repertoire is his opera *Die tote Stadt* of 1920. Some of his music has been recorded in recent years, but live performances are almost nonexistent.

Downes opened with the opulent and stirring *Interlude* from Act III of Korngold's opera *Das Wunder der Heliane*, from 1927. It is music

of such high intensity that you wonder what could possibly be powerful enough to precede and follow it. But, more to the point, it is thoroughly distinctive music in a fully-formed style that seems to owe nothing to anybody else.

That is predictably rather less the case with the orchestral songs, *Abschiedslieder*, finished in 1920, when he was only 23. Here Korngold seems to have learned too much of the wrong kind of thing from Mahler and Zemlinsky, with adipose textures that often

a sequel to Britten's *A Young Person's Guide to the Orchestra* can hardly be imagined.

Two nights previously the Philharmonia Orchestra and Claus Peter Flor performed Janáček's symphonic poem *Taras Bulba*, finished, after years of cogitation, in 1918. This is a mighty and vivid work, and its music bears as close a relationship to the narrative as anything by Richard Strauss.

Here its colours only blazed in gore and glory alike, so that the expansive and lovely Violin Concerto of Dvorák afterwards seemed rather tame in comparison. Frank Peter Zimmermann, the soloist, nevertheless made a gorgeous sound, moulding his phrasing flexibly and adopting a pleasingly unostentatious mien, physically and musically.

The following evening at the Wigmore Hall the chamber group Downes gave what they billed as the first public performance in modern times of the version for Piano and String Quartet of Mozart's Piano and Wind Quintet, K452. There is doubt as to whether or not Mozart himself was responsible for this arrangement. But this version, not just a straightforward transcription, works just as beautifully as its model, especially when played with the elegance and understanding shown in this reading.

STEPHEN PETTIT

buried the otherwise wonderful singing of Linda Finn.

But the greatest surprise was the contrast between these and his only symphony, of 1952. This could have been a different composer, very much a man of the 1950s; on a blind tasting one might easily have guessed that the opening movements were by Malcolm Arnold. And it was the close juxtaposition of those two aspects of Korngold that provided the concert's main fascination: both eloquent, astonishingly polished and conceived with awe-inspiring precision, but showing those qualities in entirely different ways. Perhaps the world is not yet ready for a full-blown Korngold revival, but musicianship of this order merits a hearing.

DAVID FALLONS

He was ill-rocked in his cradle: that was the trouble with Kullervo, archetypal anti-hero of Finnish folklore, moulded into life by the compiler of the *Kalevala* (Finland's national epic) and sung back to life by a succession of Finnish composers.

Sibelius turned to his story early in his composing life. The struggles of the luckless boy, as recreated in his 1892 *Kullervo Symphony*, were to join the rumblings of defiance, the fight for self-identity of those who, in the spirit of Kullervo, were to lead Finland to independence in 1917. There could hardly have been a better way of celebrating the 75th anniversary of that independence than for Sir Colin Davis and the London Symphony Orchestra to continue their Sibelius cycle with the *Kullervo Symphony* on Sunday.

Sir Colin's revelatory performances of Sibelius have been tuning the ear and the spirit to something at the heart of the composer's thinking. This made appreciation of the early work all

## Finnish as they started

the more acute. The five movements are uniquely programmatic: they follow the story of Kullervo from his lonely and unwittingly delinquent youth, on to his fateful, and also unwitting, rape of his own sister, through to his revenge and his ultimate suicide.

Jaunty rhythms are juxtaposed with dark, downturned intervals, life-affirming momentum with the numb thud of fate and remorse. In among Sibelius's pulsing strings, a solo clarinet will suddenly trill out (Kullervo himself "trilled among the spruces"). A sombre, limping three beats are suddenly slashed by

the high, bright freefall of a violin phrase: this is to recur, chillingly, at the point of Kullervo's death.

The pain-bearing metre and inflections of the *Kalevala*'s verse itself, sometimes pounding forward, sometimes lyrical, rise out of the symphony in the third and fifth choral movements. On Sunday, the Barbican was treated to the hard consonants and dark, springing vowels of the men of the Helsinki University Chorus. The vividness of their performance made it difficult to believe that Sibelius, concerned about his own ignorance of authentic *Kalevala* metre, had wanted to withdraw the work.

Jorma Hynninen, who has recently sung himself deep into the character in Aulis Sallinen's new *Kullervo* opera, sang Sibelius's solo music on Sunday. The soprano Soile Isokoski made an equally memorable contribution as the Sister, in another "Tender is the North" blockbuster.

HILARY FINCH

## Spontaneous by arrangement



Steve Martland: panache, but not much refinement

When the "hard man" of classical music, Steve Martland, programmes pieces by Mozart with his Band, you expect to see some damage done to Wolfgang Amadeus. On Sunday night at the Union Chapel in Islington, however, Martland presented the *Serenade in C minor*, K388, just as its composer intended, for a pair each of oboes, clarinets, horns and bassoons.

Martland may not be the world's greatest conductor: his ear is inflexible, his ear for balance and tonal blending fallible. But he delivered the fast movements with a degree of panache, and the Andante with an appealing sense of its lyrical line. Only the Menuetto seemed excessively heavy-handed.

He is evidently not aiming at the kind of refinement a top wind ensemble might produce, and in any case his players would scarcely be able to deliver: the first oboe often sounded ill-tuned and straggled, and there were odd squawks lower down too. What Martland does convey is the outdoor spontaneity of such a piece. The effect when he let the horns have their head was vulgar but splendidly exhilarating.

Martland's own arrangements of six opera arias by Mozart had the

same lapel-grabbing quality. Extending his palette with a pungent cor anglais, a chuckling double-bassoon and a cackling soprano sax, he drew lively renderings of two arias each from *Don Giovanni*, *The Magic Flute*, and *The Marriage of Figaro*. Balance and blend were again less than immaculate. But the spirit was infectious. I particularly enjoyed the chortling of the soprano sax in Leporello's "Catalogue Aria".

Sharing little with the Steve Martland Band except a record label, the men of the vocal ensemble I Pagliolini occupied the first half of the concert with a sequence of sacred and secular Renaissance works by Tallis, Josquin and Gombert (the latter's pupil). With this ensemble, by contrast, intonation, blend and balance are irreproachable. The clean, perfectly groomed sound, together with the rich, often spicy harmonies of the pieces, and the wonderfully resonant acoustic of the building, made for a delightful set of performances. The characterful High Victorian interior of the Union Chapel, especially when so atmospherically lit, offers an attractive venue of which more use should be made.

BARRY MILLINGTON















## BBC1

6.00 Cee-fax (20088) 6.30 Breakfast News (40141708)  
9.05 Kilroy: Robert Kilroy-Silk chairs a studio discussion on a topical issue. (2018972) 9.45 Ross King: Quiz game show (s) (8000886)  
10.00 News: Regional news and weather (3832972) 10.05 Playdays: For the very young (s) (9448205)  
10.30 Good Morning... with Anne and Nick: Magazine series presented by Anne Diamond and Nick Owen (s) (48891040)  
12.15 Pebble Mill: John Spiers is joined by Cliff Richard (s) (8718224)  
12.55 Regional News and weather (55540882)  
1.00 One O'Clock News with Philip Hayton: (Cee-fax) Weather (51514)  
1.30 Neighbours: (Cee-fax) (s) (21281040)  
1.50 Rugby Union: Live coverage of the 11th Varsity match, for the Bowring Bowl, introduced from Twickenham by Chris Rea. The commentator is Nigel Starnes-Smith (s) (8889601)  
3.50 Harum Scaram: (s) (8089137) 4.00 Funnybones: (s) (7328750)  
4.05 Spaceways: (s) (2252224) 4.20 The Chipmunks: (s) (2248717)  
4.35 Antix: News from the world of design (Cee-fax) (s) (5041595)  
5.00 Newsround (2730359) 5.10 Byker Grove: Children's drama series set in a Geordie youth club. (Cee-fax) (8483021)  
5.35 Neighbours: (s) (Cee-fax) (s) (5553932) Northern Ireland: Inside Ulster  
6.00 Six O'Clock News with Peter Sissons and Anna Ford: (Cee-fax) Weather (427)  
6.30 Regional News Magazine (779): Northern Ireland: Neighbours  
7.00 Telly Addicts: Television trivia quiz (s) (6137)  
7.30 EastEnders: (Cee-fax) (s) (863)  
8.00 Citizen Smith: Wolfe and the rest of the Tooting Popular Front are asked to help a man out for revenge (s). (Cee-fax) (5885)  
8.30 A Question of Sport: Presented by David Coleman. This week Ian Botham and Bill Beaumont are joined by Greg Searle, Kris Atkinst, Dean Saunders and Sally Gunton. (Cee-fax) (4392)  
9.00 Nine O'Clock News with Martin Lewis: (Cee-fax) Regional news and weather (4514)  
9.30 Kinsey: The final episode of the drama about a Midlands lawyer, starring Leigh Lawson. (Cee-fax) (s) (897311) Wales: Week In Week Out 10.00 Kinsey  
10.25 Omnibus: John Ford  
● CHOICE: Lindsay Anderson concludes his two-part profile by drawing parallels between his subject and Shakespeare. Both, he suggests, were popular artists in the best sense, both were poets of humanity. From almost anyone else such comparisons might seem fanciful, but Anderson knows his man and presents a persuasive case. Taking the story from the second world war to Ford's death in 1973, Anderson makes telling use of clips, does not gloss over his hero's artistic decline and goes against current critical fashion by refusing to include *The Searchers* among the list of master works. Among the contributors is Maureen O'Hara, who suffered like many players from Ford's rough tongue but even now cannot speak of him without shedding a tear. (Cee-fax) (s) (50508) Northern Ireland: Go For It 10.55 Country Times: Wales 10.55 Omnibus



Hostage: the monster ape terrorises Fay Wray (11.15pm)

11.15 Film: King Kong (1933, b/w).  
● CHOICE: After nearly 60 years, and despite a revolution in the technology of special effects, the king of the monster films still wields its terrifying spell. This is because we get involved with the fate of the characters, not only the hapless Fay Wray, taken hostage by the big ape, but the creature itself. King Kong is not just a monster but a tragic figure who demands pity. The co-directors, Ernest B. Schoedsack and Merian C. Cooper, had worked together on travel documentaries and the idea for the film may have come from Cooper's fascination with the habits of the gorilla. The thriller writer Edgar Wallace worked on the screenplay and may have contributed to the film's narrative drive. But the unsung star is the animator Willis O'Brien, who worked wonders with 18-inch high models and trick photography. (Cee-fax) (590788) Northern Ireland: 11.20 Omnibus 12.10-1.45 Film: King Kong: Wales: 11.45-1.20 Film: King Kong 12.50am Western: (555248) Ends at 12.55  
2.15 BBC Select: Executive Business Club: Scrambled (356880). Ends at 3.15

## BBC2

8.00 Breakfast News (5381408) 8.15 Westminster (5450995)  
9.00 Film: Up In Mabel's Room (1944, b/w) starring Marjorie Rynolds and Dennis O'Keefe. Comedy about an innocent man whose wife misunderstands his intentions when his business partner becomes engaged to his old friend. Directed by Allan Dwan (2065205)  
10.15 Film: Getting Gentle's Garter (1944, b/w) starring Dennis O'Keefe and Marie McDonald. Stapleford, first about a newly-married man who is embarrassed by a voluptuous diversion from his bachelor days. Directed by Allan Dwan (1650021)  
11.30 Film: Mr Music (1950, b/w) starring Bing Crosby and Nancy Olson. Lighthearted musical comedy about a successful songwriter who decides to give up work and spend his time on the golf course — but he has not reckoned on the persuasive powers of his secretary. Directed by Richard Haydn (48819408)  
1.20 Charlie Chalk: Animation (s) (4048988)  
1.35 Antix: News from the world of design (Cee-fax) (s) (5041595)  
2.00 News and weather (8832808) followed by Round Robin. An RSPB film about robins, narrated by Bernard Cribbins (s) (9302088) 2.30 See Hear! Magazine series for the hearing impaired (s) (840)  
3.00 News (Cee-fax) and weather (7827866) followed by Westminster Live presented by Ian Macpherson and John Cole (2277021) 3.50 News (Teletext) regional news and weather (8087778)  
4.00 Catchword: Game for wordsmiths hosted by Peter Cooles (s) (392)  
4.30 Behind the Headlines: John Diamond is joined by Rabbi Julius Neuberger, Sunday Times columnist Lesley White and Cosmo Landman of The Modern Review (s) (578)  
5.00 Marna Punda: The story of Elisabeth Svendsen and her Devon sanctuary where she keeps more than 3,500 donkeys (s) (7243)  
5.30 Film 92 with Barry Norman (s) (s) (158)  
6.00 Film: Rio Grande (1950, b/w). The John Ford series continues with this final film from his US Cavalry trilogy. John Wayne stars as the cavalry colonel fighting on the professional and domestic fronts when his fort is attacked by Apaches at a time his estranged wife arrives to bring home their son — his latest recruit. With Maureen O'Hara and Ben Johnson (70036330)  
7.40 Assignment: Return of the White Fox: Hugh Pryor-Jones presents a profile of Edward Shevach, the former Soviet diplomat now living in his native Georgia (584327)



Helping to raise public awareness: Julie Christie (8.25pm)

8.25 Prisoners of Conscience: Julie Christie on someone imprisoned because of their beliefs (802224)  
9.30 Food and Drink: Includes a guide for first-time turkey cooks (s) (2934)  
9.00 Quantum Leap: Off-beat science fiction series starring Scott Bakula as a time-traveling scientist. In this story set in 1974 under the skin of the lead singer of a British rock group. (Cee-fax) (s) (557953)  
9.50 Troubadour 2: Grasping the Nettle.  
● CHOICE: Let's be synonymous with diaries but for reasons not entirely explained in this film it has been running up huge losses. One of Britain's oldest family firms, currently run by sixth generation brothers, is in trouble. Enter Sir John Harvey-Jones, of the windward hat and the forthright style, he is going to completely 'grasp the nettle', as he puts it, and take the firm back to its roots. He is clearly being watched by the series and knows the score. The first signs of disenchantment usually emerge during the factory visit. Sir John does not disappoint. "The last time I saw anything like this", he remarks of a piece of less than up-to-the-minute machinery, "was in Poland". You wonder whether the makers of this watchable series would dare to let Sir John into the BBC. It could make a wonderful programme. (Cee-fax) (570898)  
10.30 Newsnight with Peter Snow (233983)  
11.15 Prisoners of Conscience presented by Julie Christie (41834)  
11.20 Edward Munch: The second part of Peter Watkins's film portrait of the Norwegian artist (246227)  
12.05am Behind the Headlines. As 4.30pm (8869083)  
12.35 Weather (2001482)

## ITV LONDON

5.00 TV-am (5799339)  
9.25 Keynotes: Music game show hosted by Alastair Davitt (8975886)  
9.55 Thames News (5457953)  
10.00 The Time... The Place... Topical discussion programme (8011934)  
10.35 This Morning: Family magazine series. Today's edition includes fashion and beauty advice, an episode from the topical soap *EastEnders* and a consumer affairs. With national and international news at 10.55 and regional news at 11.55 followed by national weather (25264717)  
12.10 Playbox: Early learning entertainment (s) (6476779)  
12.30 ITN Lunchtime News: (Oracle) Weather (1316972) 1.05 Thames News (40404175)  
1.15 Home and Away: Australian family drama serial. (Oracle) (76359)  
1.45 A Country Practice: Medical drama serial in an Australian outback town (s) (793330)  
2.15 Snooker: Action from the third quarter-final of the Coaltie World Matchplay championship (7385427)  
3.10 ITN News headlines (7382922) 3.15 Thames News headlines (7837243) 3.20 The Young Doctors: Drama serial set in an Australian city hospital (7355578)  
3.50 Fraggle Rock: Puppet series (s) (5372576) 4.05 The Raggy Dolls (s) (7343089) 4.15 Mike and Angelo: Comedy drama series from America (s) (8861934) 4.40 Children's Ward: Hospital drama series (Oracle) (s) (8136382)  
5.10 Famous People: Places. Quiz show presented by William G. Stewart (5450430)  
5.40 Early Evening News: (Oracle) Weather (441021)  
6.00 Home and Away (s) (Oracle) (585)  
6.30 Thames News (175)



Plans for Christmas: Ronald Magill, left, as Amos (7.00pm)

7.00 Emmerdale: Drama serial set in the Yorkshire Dales (s) (1205)  
7.30 The Home Show: Advice on home improvements presented by Adam Coplin, Linda Coplin and Susan Smith (s) (359)  
8.00 The Bill: Cold Shoulder: DCI Meadows suspects a vigilante-type attack when a man is stabbed in the middle of a courtyard overlooked by densely populated flats and there are no witnesses. (Oracle) (5363)  
8.30 The Upper Hand: Comedy series about a businesswoman with a male housekeeper. Starring Joe McGarr, Diana Weston and Honor Blackman (s) (5028)  
9.00 The Blackheath Poisonings: Episode two of the three-part Victorian murder mystery. (Oracle) (s) (8205)  
10.00 News at Ten: (Oracle) Weather (55595) 10.30 Thames News (670801)  
10.40 Snooker: The closing frames of the third quarter-final of the Coaltie World Matchplay championship from the Dorne, Doncaster (5132585)  
12.30am Video View presented by Mariella Frostrup. The latest releases reviewed (55354)  
1.30 The Equalizer: McClure comes to the aid of a victim of the Mob and a former stage actress. Starring Edward Woodward (33441)  
2.30 Donahue: Phil Donahue meets couple who reveal how they manage to keep the passion going in their relationship (8369372)  
3.20 60 Minutes: American news magazine (5763847)  
4.10 The Twilight Zone: Cat and Mouse: A tale of the supernatural about a woman who becomes involved with a man who can turn into a cat. Starring Pamela Belwood and Page Fletcher (s) (6074731)  
4.40 Short Story Theatre: Me and You Kangaroo and Jack of Hearts. Two short dramas on the theme of growing up (4566373)  
5.30 ITN Morning News (18557). Ends at 6.00

## CHANNEL 4

6.00 Cartoons (837981) 7.00 The Big Breakfast (41137)  
9.00 You Bet Your Life: American game show (s) (8963021)  
9.25 Film: Back Room Boy (1942, b/w). Another in the short Arthur Askey season. In this comedy he is banished to a remote lighthouse and becomes involved with shipwrecked models and Nazi spies. With Google Withers. Directed by Herbert Maister (884224)  
10.55 Look At Britain — The Saturday Men: A documentary about West Bromwich Albion football club, made in 1982 (s) (458750)  
11.30 Credits: The second of ten programmes about regions all over the world looks at how the Catholic Church has helped to preserve the country's culture and identity (8717)  
12.00 The Parliament Programme presented by Anne Perkins (56408)  
12.30 Sesame Street (88750) 1.30 Take 5 (90330)  
2.00 Film: Thanks a Million (1935, b/w) starring Dick Powell, Ann Dvorak and Fred Allen. Musical comedy about a singer who stands in for a drunken political candidate and ends up being elected governor of Pennsylvania. Directed by Roy Del Ruth (272427)  
3.35 Film: The Knight Is Young (1958, b/w) starring June Allyson as a woman beguiled by an advertisement that comes to life (3768243)  
4.00 Family Film: Soap about a Midlands-based Asian family (s) (208)  
4.30 Fifteen to One: Fast-moving general knowledge quiz (s) (972)  
5.00 Crawshaw Paints Oils: Painting from photographs (2311)  
5.30 The Treasure Hunters: Two divers investigate a Spanish galleon that sank off the Florida coast in 1724 (224)  
6.00 Remote Control: Comedy quiz (s) (137)  
6.30 Roseanne: Wiscracking wit (s). (Teletext) (717)  
7.00 Channel 4 News: (Teletext) Weather (182750)  
7.50 Comment: Mel Thorley in praise of train spotting (364355)  
8.00 People First: A look at understanding. The last in the series of documentaries on disability (s). (Teletext) (8595)  
8.30 The Feast of Christmas: Paul Levy prepares a medieval banquet and Claudia Roden cooks a turkey Eastern-style. (Teletext) (7530)



Fascism and farce: Linal Haft looks at Adolf Hitler (9.00pm)

9.00 Without Walls: The Great Dictator (7224) and 9.30 The Final Score (88955).  
● CHOICE: The Jewish actor Linal Haft explores why Hitler continues to fascinate and looks at versions of the Führer in the cinema, in cartoons, on stage and in television comedy. The last provides the most intriguing question: how can somebody so evil become an object of fun? John Cleese goes step-by-step his way through a sketch in *Monty Python's Flying Circus* is undeniably hilarious, but should we think twice before laughing? Among those groping for an answer are the actor Simon Callow and Rabbi Lionel Blue. In *The Final Score* the composer Michael Nyman, a name most readily associated with the cerebral cinema of Peter Greenaway, indulges his passion for football: images of his favourite club, Queen's Park Rangers, and player, Stan Bowles, accompany a typically inventive score.  
10.00 Film on Four: Soursweet (1988) starring Sylvia Chang and Danny Dun. Drama about a young Hong Kong couple who come to London hoping to make a fortune in the take-away business but become unwittingly embroiled with the Chinese underworld. Directed by Mike Newell (2245488)  
12.05am Brass: Wickedly funny comedy series starring Timothy West as a despotic munitions factory owner (s) (8844151)  
12.35 Film: His Lordship (1936, b/w) starring George Arliss as twin brothers — one the British foreign secretary, the other an adventurer who kidnaps his twin to save Britain from a war. Directed by Herbert Mason (172797). Ends at 1.50

VideoPlus+ and the Video PlusCode numbers. The numbers next to each programme listing are Video PlusCode numbers, which allow you to programme your video recorder instantly with a VideoPlus+ remote control. The numbers can be used with most video recorders. For more details call VideoPlus on 0899 121204 (calls charged at 48p per minute plus 3p per call) or write to VideoPlus, P.O. Box 1, Weybridge, Surrey TW20 1ST. VideoPlus+ is a trademark of Gemstar Marketing Ltd.

## VARIATIONS

ANGLIA  
As London excepts 5.10-5.40 Blockbusters (5450430) 7.30-8.00 Food Guide (259)  
BORDER  
As London excepts 3.30-3.50 Sons and Daughters (735578) 5.10-5.40 Home and Away (5450430) 6.00 Lookaround (885) 6.30-7.00 Blockbusters (175) 7.30-8.00 The Hopeful Traveller (259) 12.30 McDonald (194022) 1.10 Entertainment UK (307712) 3.10 The Big E (730534) 4.05 Sport AM (740487) 5.00-5.30 Central Jobfinder 32 (8880)  
CENTRAL  
As London excepts 1.15 A Country Practice (70835) 1.45-1.55 Home and Away (5450430) 2.30-3.00 GP (375557) 5.10-5.40 Blockbusters (5450430) 6.00 Home and Away (5450430) 6.30-7.00 Central News (22953) 7.30-8.00 The Country (259) 8.30-9.00 Home and Away (5450430) 9.30-10.00 The Country (259) 10.30-11.00 The Country (259) 11.30-12.00 The Country (259) 12.30-1.00 The Country (259) 1.10-1.45 The Country (259) 1.50-2.00 The Country (259) 2.10-2.30 The Country (259) 2.40-3.00 The Country (259) 3.10-3.30 The Country (259) 3.40-4.00 The Country (259) 4.10-4.30 The Country (259) 4.40-5.00 The Country (259) 5.10-5.30 The Country (259) 5.40-6.00 The Country (259) 6.10-6.30 The Country (259) 6.40-7.00 The Country (259) 7.10-7.30 The Country (259) 7.40-8.00 The Country (259) 8.10-8.30 The Country (259) 8.40-9.00 The Country (259) 9.10-9.30 The Country (259) 9.40-10.00 The Country (259) 10.10-10.30 The Country (259) 10.40-11.00 The Country (259) 11.10-11.30 The Country (259) 11.40-12.00 The Country 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